

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1982

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, JANUARY 12, 1982**



Vol. 1
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

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FIRST LEGISLATIVE DAY
TUESDAY, JANUARY 12, 1982

This being the second Tuesday in January, A.D., 1982, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Mr. James Watkins, Minister, Landmark Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Goodwin	Kirkland	Robertson	White
Gulledge	Little		

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LEAVES OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Britnell, Callaham, Figures, Glass, Lemaster, and Pearson for today.

RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Cook, deGraffenried, and Keener.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. Kirkland:

S. 1. Relating to a reorganization or restructuring of the Alabama public service commission by amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to effectuate a declared state policy of promoting, preserving and protecting the interest of the consuming public through more stringent regulation of utilities and other businesses under the jurisdiction of the commission and by further amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to: provide that a commissioner be elected from each congressional district and for a redefinition of such commissioner's qualifications, eligibility to hold office, powers, duties and purposes; provide terms of office, oath of office and compensation for commissioners; provide for a president of the commission and such president's duties generally; provide for employees of the commission; provide for the qualifications of hearing examiners; provide duties and responsibilities of hearing examiners; provide for a secretary or chief clerk of the commission; provide qualifications for commission employees; provide for a commission seal and keeper; provide for the impeachment and removal of commissioners; provide for the elective office of the director of utility consumer representation; provide qualifications, elections, appointments, terms of office and a salary for the director; provide for a permanent legislative oversight committee for utility consumers; provide for election of members, terms of office, duties and filling of vacancies of oversight committee members; provide an oath for the director; provide duties and responsibilities for the director and staff; provide the director with the authority to appoint or employ a staff subject to the director's supervision; provide for definitions of terms, phrases or words used in this act; provide for the transfer of public service commission employees to the director's office; provide the commissioners and the director the authority to approve official travel and other related expenses of their staff; provide a seal

and keeper for the office of the director; provide that records of the office of the director shall be public records; provide for the impeachment or removal of the director; provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; provide powers and duties of the attorney general in connection with public utility services generally; provide that the commission furnishes copies of applications, pleadings and other papers filed with it to the attorney general; provide for the appropriation of \$250,000.00 or more per fiscal year from the state general fund to be deposited into a consumer's utility rate hearing fund to be drawn upon by the director; provide that all funds in the currently existing consumer's utility rate hearing fund shall be made available to the director; provide rights of appeal from commission orders or decisions for the director; provide for bonds on commissioners, the director and certain of their employees; provide for a commission office in Montgomery, Alabama; provide for commission meetings and for a quorum of four commissioners; provide that the commission shall exercise judicial functions in the regulation of public utilities; provide for commission orders to contain findings of fact; provide that no changes in utilities' rates or schedules to be made without commission approval; provide that hearing examiners shall assist the commission in drafting the final order in all cases before the commission; provide that the commission shall retain jurisdiction over any case for a period of thirty days from the date of any final order of the commission published in writing in order to receive and review requests for reconsideration; provide for the filing of papers with the commission and service of same on the director; provide that any action taken by the commission shall be null and void on account of ineffective service of papers; provide that no hearing examiner shall conduct any hearing relating to a public utility which was the subject of a hearing over which that examiner presided during 12 months next preceding; provide that the commission's and the director's rights, powers, authority, jurisdiction and duties shall be exclusive in respect of rates, service regulations and equipment; provide for the commission to exercise supervisory and regulatory powers and for the director to exercise investigatory powers; provide for the commission and the director to report to the governor and the legislative oversight committee; provide for the commission or director to assist the department of revenue by furnishing information for the assessment of taxes against persons or corporations operating utilities or other businesses regulated by the commission; provide for the commission and director to exercise powers and authorities over foreign businesses engaged in interstate commerce not regulated under acts of congress; provide proceedings when the commission or the director is of the opinion that interstate rates or rules or regulations of any public utility are deemed unjust, discriminatory, unreasonable or excessive; provide for actions to enforce penalties or forfeitures under this act; provide for the establishment of an enforcement division of the office of the director; provide for the transfer of employees from the enforcement division of the public service commission to the office of the director; provide that utility rates shall be reasonable and nondiscriminatory and provide methods for determining a reasonable and fair return; provide that certain expenses to be disallowed for rate making purposes; provide for the operation of schedules of rates or service regulations, the suspension of such schedules, supersedeas bond requirements and refunds with interest in regard to such schedules; provide for the filing and contents of complaints before the commission; provide for the customers and consumers to intervene in proceedings before the commission; provide the commission and the director with subpoena powers and empowering the circuit courts to compel compliance with the commission orders; provide a time for appeal and methods of perfection of appeal of commission orders or

decisions; provide no bond requirements when appellant is the director or the state of Alabama; provide supersedeas bond requirements when the appellant is a utility; provide for the authorizing of issues of securities; provide for the bringing of actions to recover penalties; provide for authorizing employment of personnel to aid director in enforcement; provide for rules and regulations of the commission; provide director with authority to enforce orders, rules and regulations of the commission; provide for rights of utility consumers; provide for rules to effectuate public policy; provide for neutrality of the commission, courts and other forums; provide for raising the issue of bias or conflict of interest by a verified petition to recuse; provide that a candidate for election to the commission or for the office of director designate a principal campaign committee; provide a penalty for failure to file a designation of a principal campaign committee; provide for the registration and certain organization of political committees seeking to influence the election for a commissioner or director; provide accounting for political contributions and recordkeeping relating thereto by such political committees in regard to an election for commissioner or director; provide criminal offenses in regard to elections for commissioners or the director; provide criminal offenses for falsification of certain reports or statements in regard to said elections; prohibit certain persons, utilities and regulated businesses from forming political committees in regard to said elections; provide for the designation of the number of depositories for political committee funds in regard to said elections; provide for use of contributions that are in excess of the amount necessary to defray expenditures of candidates for election to the commission or the office of director; provide for civil actions to compel the filing or correction of reports or statements by political committees in regard to elections for a commissioner or the director; provide criminal penalties for certain offenses relating to an election of a candidate for the commission or the director; provide criminal penalties for a commissioner, the director or their employees to exercise discretionary functions in regard to contracts when having a potential conflict of interest; provide a criminal penalty for misuse of confidential information by commissioners, director or employees; provide a criminal penalty for deprivation or threat to deprive person of employment or other benefit on account of any political activity in support of or opposition to a candidate for the commission or the office of director; provide a criminal penalty for promise of employment or other benefit for such political activities; provide a criminal penalty for solicitation, offer, gift or receipt of disguised political contributions; provide a criminal penalty for false use of name for political contributions; provide a criminal penalty for fraudulent misrepresentation of campaign authority; provide a criminal penalty for use of office of commissioner, director or employee of commission or director for personal gain; provide a criminal penalty for offering or giving a commissioner, employee of the commission, director or employee of the office of director a thing of value from utilities; provide a criminal penalty for commissioner, employee of the commission, director or employee of office of director for soliciting or accepting a thing of value from a utility; provide a criminal penalty for candidates for the commission or the office of director who solicit or accept a thing of value from a utility or certain persons; provide a criminal penalty for a person who solicits or accepts a thing of value to be used or expended by candidates for election to the commission or the office of director when such thing of value is solicited or accepted from a utility or persons associated therewith; provide a criminal penalty for a utility or persons associated therewith to offer or give a thing of value to or for candidates for election to the commission or the office of director; provide a criminal penalty for a person to offer or give a thing of value to any person with the intent that such thing of value be used or expended for or on behalf of candidates for election to the commission or the office of director; provide a maximum limit for political contributions for a candidate for election to the

commission or the office of director and to provide criminal penalties in regard to violations relating thereto; provide a criminal penalty for any person to offer, give or promise a thing of value to any commissioner, employee, agent of a commissioner or the commission, director, employee or agent of such director with intent to influence the same in official duties; provide a criminal penalty for any person to offer, give or promise a thing of value to a judge, justice, master or referee of any court or any employee or agent of any court with the intent that the public or official duties of such judge, justice, master, referee, employee or agent be influenced in regard to any appeal or other litigation affecting the commission or the commission's proceedings, orders or decisions; provide for a direct appeal to supreme court as a matter of right for cases regarding rates and charges of telephone companies and electric power companies and provide a preferred setting for same; provide time for taking such appeals and provide requirement of bond when appellant is utility or person; provide right of certain persons to appeal to supreme court actions and orders of commission; provide manner of making appeal of actions and orders of commission; provide for supersedeas bonds; allow the collection of denied rate increases by utilities prior to final disposition of cases; provide commission authority to supervise, regulate and control transportation companies and for the director to enforce; provide a criminal penalty for failure to file certain reports; provide a criminal penalty for failure to file required annual reports; provide a criminal penalty for falsifying entries; provide a criminal penalty for filing false returns or reports; provide a criminal penalty for filing false reports, returns, records, accountings, information or statements; provide a criminal penalty for obstructing any member of commission, its employees, agents or the director or any member, agent, employee of the office of director in discharge of duties; provide requirements that a utility or regulated business contracts for the purchase of fuel, goods, equipment, services and supplies through or on a competitive bid basis; provide a criminal penalty for any person demanding or accepting a rebate in respect to charges for services of a utility or regulated business; provide a criminal penalty for any utility or regulated business to grant a rebate; provide a criminal penalty for any utility or regulated business to violate a commission order; provide authority and limitations for utilities and regulated businesses to exercise power of eminent domain; provide customers of utilities privacy in regard to certain records and provide a criminal penalty for their unlawful disclosure; provide for unlisted telephone numbers; provide restrictions and requirements regarding customer pre-connection service deposits; provide customers with the right of continuation of services; provide residents of this state access to non-utility property of utilities; provide criminal penalties for unlawful monitoring of customer's conversations; provide for criminal penalties in regard to certain ex parte communications by and between commissioners, employees and parties to commission proceedings; provide criminal offenses in regard to records of the commission; provide criminal offenses for commissioners, the director or their employees or agents soliciting or accepting things of value in return for official action; provide criminal offenses for judges, masters, referees or their employees or agents soliciting or accepting things of value in return for official actions; provide a statute of limitation for felonies defined and described in this act; provide consumers the right to participate in commission hearings and proceedings; provide that certain public officials may initiate or intervene in certain cases or proceedings before the commission on behalf of consumers; provide for commission meetings to be open to the public and further provide criminal offenses in relation thereto; provide for the admissibility of certain testimony in criminal proceedings relating to this act; provide that witnesses be required to testify before grand jury to matters affecting the commission; provide a criminal penalty for conspiring to violate the

felony provisions of this act; provide a criminal penalty for conspiring to violate the misdemeanor provisions of this act; repeal sections 37-1-12.1, 37-1-12.2, 37-1-91, 37-3-25(d), 37-4-17, 37-4-18, 37-4-19, 37-4-20, 37-4-21, 37-4-87(b), 37-8-3, 37-8-4 of the Code of Alabama, 1975; provide the right for attorney general, director of utility consumer representation, the district attorney of Montgomery county, any commissioner or consumer to intervene or initiate civil proceedings to compel compliance with this act; provide that the provisions of this act are severable; provide that the sections of this act are separable; repeal laws and parts of laws in conflict; provide an effective date for this act.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Parsons and Little:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Committee on Education.

By Mr. Keener:

S. 3. To amend section 36-21-46, Code of Alabama 1975, relating to minimum standards for law enforcement officers, so as to further regulate the training of persons appointed under Chapter 9 to Title 31, Code of Alabama 1975, and to restrict said officers' power of arrest.

Committee on Judiciary.

By Mr. Kirkland:

S. 4. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. St. John;

S. 5. To reopen the employees' retirement system to allow certain members to purchase credit for prior service rendered to an employer participating in the employees' retirement system under section 36-27-6, Code of Alabama 1975, prior to the date the employer's participation in the retirement system commenced.

Committee on Finance and Taxation.

By Mr. St. John:

S. 6. To provide for the nonpartisan election of justices of the Supreme Court, judges of the criminal court of appeals, judges of the civil court of appeals, circuit court judges, and district court judges; the declaration of candidacy of candidates for non-partisan judicial offices; the arrangement of names of candidates for nonpartisan judicial office on the ballot; the place of the nonpartisan judicial ballot on the regular ballot; designation of position for the office of Supreme Court justice; the nonpartisan judicial ballot form; the determination of nominees for nonpartisan judicial positions; the amendment of sections 17-16-20, 17-8-1, 17-8-4, and 17-16-18; applicability of related provisions; for severability; and for an effective date.

Committee on Judiciary.

By Mr. Kirkland:

S. 7. To provide that all state-owned lands that are now, or have been, leased or subject to lease by private parties for hunting purposes shall be open for public hunting when present leases expire.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. St. John:

S. 8. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 9. To require that all utility trailers and boat trailers being pulled or transported on the public highways, roads and streets be equipped with safety chains; and to prescribe penalties for violations of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Kirkland:

S. 10. To amend further section 27-7-5, Code of Alabama, 1975, relating to insurance licenses, so as to exempt certain persons with fifteen years experience from the requirement of forty hours of classroom instruction as a prerequisite for eligibility to take an insurance licensing examination.

Committee on Banking and Insurance.

By Mr. Teague:

S. 11 To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Committee on Commerce, Transportation,
and Utilities.

By Mr. White:

S. 12. To provide that in all civil actions for personal injury, death, or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible and to provide that evidence of the cost of obtaining such reimbursement shall be admissible.

Committee on Banking and Insurance.

By Mr. White:

S. 13. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court,

including without limitation, motions for summary judgment, motions or directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; and to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State.

Committee on Judiciary.

By Mr. Mitchem:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 15. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

Committee on Judiciary.

By Mr. Kirkland:

S. 16. To further provide for criminal appellate procedures; to prescribe that the State of Alabama criminal appellate procedures shall be the same as under the existing authority to TITLE 18, U. S. C. A., Federal Rules of Criminal Procedure; and any subsequent revisions or amendments and to provide for an effective date.

Committee of Judiciary.

By Mr. Kirkland:

S. 17. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building, and prescribing felony punishment for such acts.

Committee on Judiciary.

By Mr. Kirkland:

S. 18. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

Committee on Judiciary.

By Mr. Kirkland:

S. 19. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Committee on Judiciary

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By Mr. Kirkland:

S. 20. To further amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and empaneling of juries in criminal cases, so as to establish one-for-one strikes in any criminal case.

Committee on Judiciary.

By Mr. Kirkland:

S. 21. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

Committee on Judiciary.

By Mr. Kirkland:

S. 22. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Committee on Judiciary.

By Mr. Kirkland:

S. 23. To amend Section 36-25-27 of the Code of Alabama 1975, relating to violations of the ethics code, so as to provide further for venue in such action.

Committee on Judiciary.

By Mr. Vacca:

S. 24. To require that persons who transport children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Committee on Judiciary.

By Mr. Denton:

S. 25. To provide certain standards and guidelines for the selection of textbooks used in public schools.

Committee on Education.

By Mr. Denton:

S. 26. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Committee on Education.

By Mr. Hall:

S. 27 To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in the city and county schools.

Committee on Education.

By Mr. Teague:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 30. To amend further Section 41-16-107 of the Code of Alabama 1975, as amended, which relates to the sale or disposal of tangible personal property by the state highway department so as to delete the provision of Subsection (b) which allows the highway director to sell or release tangible personal property to a county governing body or a municipal governing body of this state in such manner and on such terms as he deems in the best interest of the state, and to provide for such county governing body or municipal governing body of the state to bid on such tangible personal property when advertised for sale by the state highway department.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 31. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend state funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Holmes:

S. 32. To provide further for the procedure by which certain utilities may appeal rate hearings that have been held before the Public Service Commission and repeals Sections 37-1-125 through 37-1-135, and Sections 37-1-140 through 37-1-144, Code of Alabama 1975, which provide for the appellate procedure.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Holmes:

S. 33. To prohibit certain public utilities and telephone companies from requesting more than one rate increase in any calendar year.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Higginbotham:

S. 34. To authorize the Highway Department to advertise for bids for the concession of the sale of food, drinks, and other personal items determined by the Department, on the premises of welcome centers and rest areas; to set the criteria for such sales; to advertise for bids for three consecutive weeks; to provide for all funds received from such concessions to be deposited into the Public Road and Bridge Fund to be used to offset the expense of operating the welcome centers and rest areas.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mitchem:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Committee on Health and Welfare.

By Mr. Martin:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

Committee on Governmental Affairs.

By Mr. Martin:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-47-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and

towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Committee on Governmental Affairs.

By Mr. Martin:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

Committee on Governmental Affairs.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton:

S. 39. To provide for an additional judgeship for the Eleventh Judicial Circuit of Alabama; to provide for the election of the first judge to fill this judgeship at the next general election for state officers; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Eleventh Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Eleventh Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Eleventh Judicial Circuit.

Committee on Finance and Taxation.

By Mr. Denton:

S. 40. To amend Section 28-3A-11, Code of Alabama 1975, so as to require lounge retail licensees to obtain the consent of the municipality if the licensed premises are located within the police jurisdiction thereof, to restrict sales from such licensees to on-premises consumption; to create a retail package store category and to provide for licenses to such retail package stores and to require the consent of the governing body of the municipality if the premises, to be licensed, are located within the municipality or the police jurisdiction thereof, and to restrict sales from such licensees to off-premises consumption only; to amend Section 28-3A-21 by providing an annual license of retail package store licensees; to provide for an effective date.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or

any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc., and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Committee on Health and Welfare.

By Mr. Gulledge:

S. 42. To provide further for the annual salary of the state auditor.

Committee on Finance and Taxation.

By Mr. Denton:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Committee on Judiciary.

By Mr. Mitchem:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

Committee on Finance and Taxation.

By Mr. Denton:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who was attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 46. To amend Section 40-9-40, Code of Alabama 1975, relating to exemptions from county and municipal taxes, so as to authorize exemption of equipment used to transport certain materials and supplies including coal, coal products, petroleum and petroleum products.

Committee on Finance and Taxation.

By Mr. White:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

Committee on Governmental Affairs.

By Mr. Cook:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

Committee on Judiciary.

By Mr. St. John:

S. 49. To be known as the Law of Interstate Succession and Wills, providing the substantive law to govern interstate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

Committee on Judiciary.

By Mr. Gullledge:

S. 50. To amend Section 40-18-19, Code of Alabama 1975, as amended, so as to add as an additional exemption from personal income tax interest on a savings certificate issued after September 30, 1981, and before January 1, 1983, by a depository institution having its principal place of business in Alabama; to provide a maximum amount of such exemption; to require that to be eligible for exemption the interest likewise be exempt from federal income tax; to exempt from personal income tax interest or earnings on an individual retirement account, as defined by federal income tax laws.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 51. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Committee on Finance and Taxation.

By Mr. Teague:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 53. To require posting of vacancy notices by all public educational employing boards and institutions.

Committee on Education.

By Mr. Kirkland:

S. 54. To provide the employees at all levels in public education including the Department of Youth Services and the Alabama Institute for Deaf and Blind shall be entitled to all benefits and compensation payable for each position.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 55. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

Committee on Judiciary.

By Mr. Miller:

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

Committee on Judiciary.

By Messrs. Harrison, Holmes and Little:

S. 57. To provide that a school teacher, public employee or support personnel employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education, Department of Youth Services, and the

Alabama Institute For the Deaf and Blind or any other State educational institution or agency, shall continue to draw full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of the Act.

Committee on Education.

By Messrs. McDonald, Mitchem, Harrison, Parsons, Little, Robertson, Holmes, Kirkland, Vacca, Teague, Keener, Hall, Britnell, Taylor, Cook, Denton, Martin, deGraffenried and Miller:

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 59. To amend Section 25-5-50, Code of Alabama, 1975, so as to make the provisions of the state Workmen's Compensation law apply to local boards of education.

Committee on Business and Labor Relations.

By Mr. Harrison (with notice and proof):

S. 60. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 60 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

Mr. Messrs. Harrison and Holmes:

S. 61. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Committee on Governmental Affairs.

By Mr. White (with notice and proof):

S. 63. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 63 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gulledge:

S. 64. To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against municipal officers, officials, employees or servants; to define terms.

Committee on Judiciary.

By Mr. White (with notice and proof)

S. 65. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 65 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver educational courses.

Committee on Education.

By Mr. Gulledge:

S. 67. To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Committee on Governmental Affairs.

By Messrs. Goodwin, Parsons, Hilliard, Teague, Kirkland, Higginbotham, White, Little, Keener, Martin, Vacca, and Miller:

S. 68. To Amend Title 16, Section 27, Sub-section 4, of the Code of Alabama, 1975 so as to lower the number of training session hours required for renewals of school bus driver licenses from six hours to four hours.

Committee on Education.

By Mr. Kirkland:

S. 69. To remove raccoons and foxes from the category of furbearing animals.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. White:

S. 70. To create a Board of Health Services Personnel; to provide for the purposes of such board; to provide that such board shall be the legal entity to recognize and identify certain of the various disciplines of allied health service occupations and professions, including: cytotechnologists, dietitians, electroencephalographic technologists, medical assistants, medical technologists, medical laboratory technicians, medical record administrators, medical record technicians, nuclear medical technologists, occupational therapists, occupational therapy assistants, radiation therapy technologists, radiographers, respiratory therapists, respiratory therapy technicians, surgical technologists, and certain other allied health services related occupations and professions, the achievement and qualifications of such individuals with certain training, expertise and education; to provide for a registry therefor; to prescribe the composition, appointments, terms, meetings, officers, powers and duties, expense allowances and mileage of the board members; to provide for the collection and disposition of fees; to authorize the board to set certain prerequisites and standards for inclusion in such registry; to authorize the board to employ and set the salary of an executive director, his powers and duties; to authorize such director to employ and set salaries for staff and personnel or to contract for such services; to authorize the board to conduct hearings, administer oaths; to provide the board with subpoena powers for records and witnesses related to the board's jurisdiction; to authorize the board to employ counsel, revoke and suspend registration and reinstate certificate holders; and to specifically repeal Sections 34-18-20 through 34-18-47, relating to medical technicians and the Board of Medical Technician Examiners, and Sections 34-24-291, 34-24-293 and 34-24-294, relating to assistants to physicians, all sections of the Code of Alabama 1975, and all laws or parts of laws in conflict or inconsistent with the provisions of this act.

Committee on Health and Welfare.

By Mr. Bailey:

S. 71. To amend Sections 12-19-73, 12-19-74 and 12-19-171, Code of Alabama, 1975, as amended, to increase personal service fees in civil cases and to increase witness subpoena fees in juvenile, criminal and civil cases.

Committee on Judiciary.

By Mr. Proctor:

S. 72. To amend Section 32-5-313, Code of Alabama 1975, which prescribes monetary penalties for traffic infractions, so as to provide further for the distribution of the fees.

Committee on Judiciary.

By Mr. Higginbotham:

S. 73. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

Committee on Education.

By Mr. deGraffenried:

S. 74. To amend Section 40-18-14, Code of Alabama 1975, to provide for an exemption from income tax for interest on certain depository institution tax-exempt savings certificates.

Committee on Finance and Taxation.

By Mr. Little:

S. 75. Relating to the Thirty-seventh Judicial Circuit, to change the present jury strike system in criminal cases to a one strike system in trials by jury for violations, misdemeanors or felonies, or upon appeals to the circuit courts from lower courts.

Committee on Judiciary.

By Mr. Proctor:

S. 76. To create the Alabama Board of Public Health Scholarship Awards and to provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and merit scholarship program for the study of public health.

Committee on Finance and Taxation.

By Messrs. deGraffenried, Mitchem and Proctor:

S. 77. To create a health and medical insurance plan for retired members of the Teachers' Retirement System. To provide for the administration of said plan and to provide a method for funding the benefits granted herein.

Committee on Finance and Taxation.

By Mr. Denton:

S. 78. To provide the local boards of education, the governing boards of junior colleges, technical colleges, the Department of Youth Services and the Alabama Institute for Deaf and Blind shall grant a leave of absence up to one year upon written request of a tenured employee as defined in Section 16-24-1 and 16-24-2, Code of Alabama, 1975 and State Board of Education regulation(s) for junior colleges and technical colleges.

Committee on Education.

By Mr. Denton:

S. 79. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind and public postsecondary institutions to provide professional leave to their employees for State Board of Education meetings, workshops and job related conferences and conventions, and professional association activities.

Committee on Education.

By Mr. Barron

S. 80 To make a supplemental appropriation to the Alabama State Board of Public Accountancy from the State Board of Public Accountancy Fund for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 81. To require local boards of education and all public educational institutions to pay their support personnel at least the hourly minimum wage as established by the United States Congress.

Committee on Education.

By Mr. Keener:

S. 82. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance of self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Committee on Judiciary.

By Mr. Denton:

S. 83. To amend Sections 28-3A-11, 28-3A-12 and 28-3A-13, Code of Alabama, 1975, as amended, so as to require the consent of the governing authority of the municipality for the sale of liquor if in the police jurisdiction by certain licensees; to provide an effective date.

Committee on Governmental Affairs.

By Messrs. deGraffenried, Mitchem and Proctor:

S. 84. To provide a cost-of-living increase in addition to benefits now received to all persons retired under the Teachers' Retirement System of Alabama prior to October 1, 1981; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide for the funding of the increase granted herein and provide for the repeal of conflicting laws.

Committee on Finance and Taxation.

REGULAR SESSION
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By Mr. Hilliard:

S. 85. To provide that employees of local school boards shall be granted certain holidays with pay over and above the required 180 workdays.

Committee on Education.

By Mr. Parsons:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 87. To make a supplemental appropriation of \$300,000.00 to the Alabama Peace Officers Standards and Training Commission from the Alabama Peace Officers Standards and Training Fund for the fiscal year ending September 30, 1982 for distribution to law enforcement academies in accordance with Act No. 81-864.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Mitchem:

S. 88. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Committee on Finance and Taxation.

By Mr. Hilliard (with notice and proof):

S. 89. To further amend Section 4.06 (9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and how salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pensions system of the municipality upon application for such membership within thirty (30) days of appointment.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 89 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard (with notice and proof):

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supercedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session

of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 90, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard (with notice and proof):

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bailey:

S. 92. To amend section 28-3A-5 of the Code of Alabama 1975, relating to licenses granted by the Alcoholic Beverage Control Board, so as to require local governing body approval before any license may be issued.

Committee on Governmental Affairs.

By Messrs. Teague and Keener.

S. 93. To amend further Section 40-21-53, Code of Alabama 1975, as last amended relating to the 2.2 percent exemption on electric bills for certain persons, so as to prescribe further eligibility for such exemption.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Parsons:

S. 94. To amend paragraph (e) of Section 16-25-14, Code of Alabama, 1975 so as to remove the penalty for disability retirement benefits.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 95. To provide a "welfare fraud" act; to make the illegal possession of food stamps and the illegal receipt of money payment or services from state or federally funded programs criminal offenses; and to prescribe penalties for the commission of such offenses.

Committee on Judiciary.

By Mr. Bailey:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in and grant tenure to certain professional personnel of the Department of Youth Services under the teacher tenure law; to provide for an employment procedure for new professional personnel and other staff personnel; to provide for a salary schedule for all educational personnel of the Department of Youth Services; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in *pari materia* with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Committee on Education.

By Mr. Higginbotham

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

Committee on Judiciary.

By Mr. Taylor:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975; relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

Committee on Banking and Insurance.

By Messrs. Bailey and Hall:

S. 99. To amend section 28-3A-11, Code of Alabama 1975, relating to lounge retail liquor licenses so as to limit a lounge liquor licensee to providing its patrons liquor for on-premises consumption only.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 100. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-20-33, Code of Alabama, 1975.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 101. Relating to surplus line insurance and unauthorized insurers and surplus lines, further providing therefore; amending Sections 27-10-1 and 27-10-20 of the Code of Alabama 1975, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; amending Section 27-10-24 of the Code of Alabama 1975, so as to provide further for bond liability sum requirements of surplus line brokers; amending Section 27-10-26 of the Code of Alabama 1975, so as to provide further for eligibility requirements of certain non-licensed insurers for the placement of surplus line insurance and minimum trust fund requirements; and to amend Section 27-10-35 of the Code of Alabama 1975, relating to certain exclusions from reporting and tax on certain coverages so as to provide further therefor.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain exemptions and immunity; and to provide for termination procedures and distribution of funds.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 103. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 104. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 105. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 106. To amend Section 27-4-2, Code of Alabama, 1975, to provide for an increase in certain fees, licenses and miscellaneous charges.

Committee on Banking and Insurance.

By Mr. Smith:

S. 107. To amend Section 41-4-156 of the Code of Alabama 1975 so as to include municipal clerks in the distribution of local and general acts by the secretary of state.

Committee on Governmental Affairs.

By Messrs. Barron, Robertson, Harrison, Proctor and Parsons:

S. 108. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. White:

S. 109. To establish and fix the salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the Salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment irrespective of the Alabama Ethics Act of any State nepotism laws; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

Committee on Finance and Taxation.

By Mr. White:

S. 110. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Parsons:

S. 111. To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds, or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 112. To terminate the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and to transfer all surplus fees, funds, or monies to the State General Fund, and to transfer all equipment and property to the Division of Services of the State Finance Department and to repeal Sections 34-31-1 through 34-31-11, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Smith:

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 115. Relating to the continued existence and functioning of the Board of Examiners of Landscape Architects provided for in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 116. Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections

36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 124. Relating to the continued existence and function of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Parson:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicant's financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapists as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-211, 34-24-214, 34-24-216, and 34-24-217, so as to: provide a definition of "foreign trained physical therapist" and authorizing the board to grant a license to such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewals; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; and to change the name of "physical therapy assistant" to "physical therapist assistant," and to allow such assistants to practice under direction of a licensed physician.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of registration of Architects as provided in Sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

Committee on Governmental Affairs.

By Mr. Smith:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

Committee on Governmental Affairs.

By Mr. Smith:

S. 133. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48 of the Code of Alabama 1975, with certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements of licensure, in that a candidate must have a doctorate degree from a department of school of psychology recognized by the board.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board of consideration.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 136. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Public Library Service as provided in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, with certain modifications; to amend Sections 41-8-1 through 41-8-7, so as to: Change the name of the Service to "State Library of Alabama"; to designate the director as the "State Librarian"; and to prohibit the Public Library Service (State Library of Alabama) from promulgating regulations or rules which are inconsistent or in conflict with federal or state regulations, or which regulate educational requirements or hours of operation of libraries.

Committee on Governmental Affairs.

By Mr. Smith:

S. 137. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Health Department as provided in sections 22-1-1 through 22-1-9 and as variously provided in Chapters 1 and 2 or Title 22, of the Code of Alabama 1975; with certain modifications; to amend Section 22-2-2 so as to provide that the State Health Department shall recognize the use of aerobic wastewater treatment facilities and shall adopt rules and regulations regarding the construction and use of same.

Committee on Governmental Affairs.

By Mr. Smith:

S. 138. To terminate the existence and functioning of the State Health Planning and Development Agency and to specifically repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, relating to said agency; to create a new agency to be called the "Alabama Health Planning Commissions" and provide new provisions of law which would replace and assume the function of the terminated agency.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-21-2, 34-21-5, 34-21-22 and 34-21-40, Code of Alabama 1975, so as to: To define the term "consumer," who will be a new board members; to change the terms of board members to two years; to change the selection process for the six registered nurse board members; to grant equal voting privileges to practical nurse board members; to alternate annually the officers of the board between administrative and educator nurses; to provide four weeks' notice of proposed ruled changes and for notifying those affected by rule changes and providing for public hearings on proposed rule changes; to provide that the board shall recommend, rather than proscribe, educational standards to the state board of education for educational programs for nursing; to require that the board's executive officer need not hold a master's degree; and to provide that a person trained as a registered nurse shall be eligible to sit for the exam for licensed practical nurse.

Committee on Governmental Affairs.

By Mr. White:

S. 140. To further amend Section 6-5-333 of the Code of Alabama 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors.

Committee on Health and Welfare.

By Messrs. White and Proctor:

S. 141. To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission,

including the power to promulgate rules and regulations; to provide for the selection of a chairman and fix the tenure of his office; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission members having an interest in matters before the Commission; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification for the issuance of a certificate of need by the Commission; to provide for promulgation of rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service without first obtaining the certificate of need described in this bill; to provide for waiver of formal review and substitutes nonsubstantive review under certain stated conditions; to specify the effective period of the certificate of need and the period for commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act; to deny reimbursement for services rendered by facilities constructed in violation of the Act; to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

By Mr. Little:

S. 142. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 143. To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, also to amend Sections 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23, and 16-40-1 to exclude children attending church schools from compulsory attendance and to exclude church schools from reporting.

Committee on Education.

By Messrs. Robertson, Barron, and Harrison:

S. 144. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Mr. Little:

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 146. To provide for the joinder of offenses, both misdemeanors and felonies in an indictment, information or complaint; to provide that two more offenses may not be joined in the same count; to provide that two or more defendants, except those charged with a capital felony offense may be charged in the same indictment, information or complaint; to provide the courts discretion to order charges tried together if the offenses of defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements when two or more defendants are tried jointly, and, to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975.

Committee on Judiciary.

By Mr. Kirkland:

S. 147. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Mr. Kirkland:

S. 148. To prohibit anyone from intentionally discharging any firearm, explosive, or other weapon into any dwelling or building as defined in Section 13A-7-1 Code of Alabama 1975, and to make violation thereof a Class C felony.

Committee on Judiciary.

By Mr. Kirkland:

S. 149. To amend Section 36-25-27 (d), Code of Alabama 1975, to provide that the venue of any criminal prosecution for violations under the Code of Ethics in Title 36, Chapter 25 of the Code of Alabama 1975, shall be in the county where the offense occurs except a violation involving the filing or failure to file any statement or disclosure form required by the Code of Ethics which shall remain in the county where the defendant resides.

Committee on Judiciary.

By Mr. Kirkland:

S. 150. To amend Section 15-22-36, Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for the notification procedure.

Committee on Judiciary.

By Mr. Kirkland:

S. 151. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

Committee on Judiciary.

By Mr. Kirkland:

S. 152. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding 10 years.

Committee on Judiciary.

By Mr. Kirkland:

S. 153. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Committee on Judiciary.

By Mr. Kirkland:

S. 154. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Committee on Judiciary.

By Mr. Kirkland:

S. 155. To amend Section 22-50-22 of the Code of Alabama 1975, to permit depositions by the State of the superintendent or any physician of a State Mental Health facility or hospital.

Committee on Judiciary.

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 2. MOURNING THE DEATH OF MR. BILLIE H. PARKER OF EAST BREWTON, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Mitchell, Smith (J) and Williams.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 2., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Cook, deGraffenried, and Keener.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Riddick, Adams, (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper, (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith, (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby:

H. J. R. 3. COMMENDING ASTRONAUT JOE HENRY ENGLE,
COLONEL, UNITED STATES AIR FORCE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Riddick, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson, (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 4. COMMENDING ASTRONAUT RICHARD HARRISON
TRULY, CAPTAIN, UNITED STATES NAVY.

JIM W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Riddick:

H. J. R. 5. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON JANUARY, 14, 1982, at 11:00 A.M.

WHEREAS, for our place of prominence in space exploration, America owes a debt of gratitude to the dedicated men and women of the National Aeronautics and Space Administration and to our courageous astronauts who are responsible for our nation's achievement in space; and

WHEREAS, it is also with deep pride that we look to our accomplishments and, most particularly, to those of the Marshall Space Flight Center in Huntsville, Alabama, where the propulsion system of the space shuttle Columbia was developed; and

WHEREAS, aboard the Columbia, on its maiden flight into space, was the flag of the State of Alabama, which is to be presented to Governor Fob James on behalf of the citizens of Alabama by Astronauts Joe Engle and Richard Truly, who successfully completed the shuttle's second orbital flight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on January 14, 1982, at 11:00 a.m., in the House Chamber, for the purpose of flag presentation ceremonies to Governor James by Astronauts Engle and Truly.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF THE SUNSET REVIEW COMMITTEE

January 12, 1982

TO: THE LEGISLATURE OF ALABAMA

The Alabama Sunset Committee, pursuant to Act 81-61 submits this summary report of its investigation, conclusions and recommendations for your consideration.

The Committee has reviewed the operations of 29 state boards and agencies in detail and herein describes any major weaknesses that should be corrected by the legislature. More detailed analysis as well as operational audits prepared for the Committee by the Department of Examiners of Public Accounts have been retained by the Committee and are available for your inspection.

We trust that the recommendations we have made will improve the operation of state government.

Sincerely,
BILL SMITH,
Chairman Sunset Committee.

I. INTRODUCTION

Pursuant to the Alabama Sunset Act of 1976 Sections (41-20-1 through 41-20-16) Code of Alabama, 1975 as amended by Act No. 81-61 H. B. 69 of the 1981 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of 29 regulatory boards, agencies and commissions. In compliance with this statute, this report contains an overview of these 29 entities reviewed by the Committee and also recommendations as to the continuance, termination or modification of each of these entities.

The following procedure was used in the evaluation and review process:

- 1) Preparation of a special operational audit by the Department of Examiners of Public Accounts for each board, agency and commission.
- 2) Appearance by each board, agency and commission before a public hearing conducted by the Sunset Committee in which interested citizens also participated.
- 3) Development of preliminary recommendations based upon information gathered at such hearing.
- 4) Conduction of a follow-up hearing if necessary to discuss preliminary recommendations and possible effects.
- 5) Adoption by the Committee of final recommendations concerning each board agency or commission.
- 6) Adoption of legislation designed to implement final recommendations of the Sunset Committee.

CONTINUATIONS:

STATE ATHLETIC COMMISSION

Statutory Provisions: Code of Alabama, 1975, §41-9-90.1 through 41-9-96 Functions

Attract Professional athletic and sporting events to the State.

Structure

7 members: Appointed by the Governor.

Status

The State Athletic Commission was created in 1980 as a result of the Sunset Committee's recommendation to abolish the Boxing and Wrestling Commission in existence at the time. This act gave the Commissioner of the Department of Revenue the power and duty to collect the fees previously collected by the Boxing and Wrestling Commission. Shortly thereafter several legal questions were raised in a suit filed challenging the constitutionality of the newly created Commission. Parts of the act were held constitutional and the Revenue Department is waiting for the final order of the court before resuming duties that were suspended by the court during litigation.

Appointments to the Commission were made in late 1981 and the Sunset Committee voted to allow the new members time to organize and determine policies and goals before taking further action on the Commission.

Recommendation

Continue with no modification.

BOARD OF CHIROPRACTIC EXAMINERS

Statutory Provisions: Code of Alabama, 1975, § 34-24-120 through 34-24-169, as amended

Functions

Accept and confirm applications for licensure.

Issue licenses by reciprocity.

Set fees.

Revoke, refuse and reinstate licenses.

Require licensees to have 15 hours of continuing education yearly.

Structure

5 members:

Five licensed chiropractors: Appointed by the Governor.

Must be residents of Alabama and practicing chiropractry for at least 2 years.

Status

The main focus of the Sunset Committee's investigation of the Board of Chiropractic Examiners was centered on the fact that the Board was collecting unauthorized fees. Such fees were enacted by the Board upon abolishment of the Healing Arts Board during the 1981 session of the legislature.

The Committee requested that the Board obtain an opinion from the Attorney General's Office concerning the legality of the collection of the such fees.

Recommendation

Continue with no modification.

BOARD OF DENTAL EXAMINERS OF ALABAMA

Statutory Provisions: Code of Alabama, 1975, §34-9-1 through 34-9-47 and 20-2-1 through 20-2-93, as amended. Revenues are collected under Code of Alabama, 1975, §10-4-226 and 40-12-92.

Functions

Adopt rules governing the dental profession.

Administer written exams.

Issue, suspend or revoke licenses.

Conduct hearings and issue subpoenas.

Structure

5 members:

Elected by licensed dentists residing and practicing in Alabama and consists of practicing dentists nominated by not less than ten Alabama licensed dentists.

Status

The Board of Dental Examiners was asked by the Committee to respond to several administrative procedures which were highlighted by the Examiners of Public Accounts. These concerned among other items, classification of fees and the dates of the fiscal year. The Board indicated at the public hearing that it would comply with the Examiners recommendations.

Recommendation

Continue the Board with no modification.

STATE BOARD OF REGISTRATION OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Statutory Provisions: Code of Alabama, 1975, § 34-11-1 through 34-11-37.

Functions

Regulates the practice of engineering and land surveying.

Structure

5 Members:

All appointed by the Governor for 5-year terms from among three persons nominated by a nominating committee of professional engineers.

All members must be registered professional engineers and land surveyors.

Board members must have practiced engineering at least 12 years and been in charge of engineering at least 5 years.

Status

A review of the Board of Registration for Professional Engineers and Land Surveyors showed that the Board is making progress towards achieving its goals and objectives.

Recommendation

Continue with no modification.

ALABAMA FIREFIGHTERS' PERSONNEL STANDARDS
AND EDUCATION COMMISSION

Statutory Provisions: Code of Alabama, 1975, § 36-32-1 through 36-32-12, 1980 Cumulative Supplement.

Functions

Adopt rules and regulations for the selection and training of fire protection personnel in the State.

Recommended minimum curriculum requirements for schools that train firefighters.

Adopt and promulgate standards relating to trainees and fire protection personnel.

Encourage the establishment of schools and coordinate its development and courses of instruction.

Certify programs attaining the minimum required standards prescribed by the Commission.

Certify the competence of fire-protection personnel.

Establish and utilize testing procedures and levels of grading.

Coordinate efforts with state and local fire-fighting agencies.

Structure

7 members:

Four members are appointed by the Governor. The Professional Firefighters Association of Alabama and the Alabama Firemen's Association appoint one member each and the State Fire Marshall or his designee serves as an ex-officio member. Each member must be a qualified elector of the state and must be over 18 years of age.

Status

Questions raised by the audit prepared by the Examiners of Public Accounts were answered to the satisfaction of the Committee. A written explanation accompanied by a list of changes to be made were submitted to the Committee.

Recommendation

Continue with no modification.

BOARD FOR REGISTRATION OF FORESTERS

Statutory Provisions: Code of Alabama, 1975, § 34-12-1 through 34-12-20, as amended.

Functions

Administer the provisions of the statutes governing the licensing and conduct of foresters.

Examine and register applicants.

Issue, revoke and reinstate licenses.

Collect fees.

Enforce rules and regulations.

Investigate Complaints.

Structure

5 Members: Appointed by the Governor.

Each member must be a U. S. citizen, a resident of Alabama, a registered forester, a member or fellow of the Society of American Foresters and must have engaged in the practice of forestry for at least 10 years prior to appointment.

Recommendation

Continue with no modification.

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Statutory Provisions: Code of Alabama, 1975 § 34-17-1 through 34-17-27

Functions

Regulate the practice of landscape architecture so as to require persons practicing landscape architecture to submit evidence of qualifications.

Register architects in order to safeguard the public welfare, health and property.

Structure

3 members:

Appointed by the Governor and confirmed by the Senate for 3 year terms.

All members must be registered landscape architects who have engaged in the practice of landscape architecture in Alabama for 2 years.

Status

The Board of Examiners of Landscape Architects submitted a written response to several findings highlighted in the audit prepared by the Examiners of Public Accounts.

A major concern expressed by members of the Sunset Committee was that fees were being charged over that amount authorized by statute. This was explained as necessary in order for the Board to carry out its prescribed duties due to the increase in the cost of the Uniform National Examination. The Board indicated that it would ask the legislature to authorize this fee increase in the next session.

Recommendation

Continue with no modification.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Statutory Provisions: Code of Alabama, 1975 § 34-20-1 through 34-20-16

Functions

(1) Ascertain that all nursing homes in the State are administered by a licensed Administrator.

(2) Continue to develop, revise, and enforce standards that are a prerequisite to licensure.

(3) Administer appropriate examinations.

(4) Issue licenses to qualified persons.

(5) Receive, investigate and take appropriate action with regard to any charge or complaint lodged against a licensed administrator.

(6) Conduct disciplinary proceedings, if and when necessary.

(7) Conduct a continuing study and investigation of nursing homes and administrators with a view to the improvement of the standards imposed for the licensing of such administrators.

(8) Provide and/or approve various educational programs for continuing education credits.

(9) Renew licenses of licensed administrators when appropriate.

(10) Continue efforts to improve the overall administration of the program.

Structure

6 Members:

3 Members—Registered Nursing Home Administrators

1 Member—Licensed Physician

1 Member—Hospital Administrator

1 Member—Registered Nurse

Status

Several administrative procedures were highlighted in a report prepared by the Examiners of Public Accounts and recommendations were made by the Examiners in an effort to clear up problem areas. The Board was asked to prepare a written response concerning these recommended actions.

The Sunset Committee agreed that the Board was performing a necessary function in its enforcement of standards to be met by individuals licensed as nursing home administrators.

Recommendation

Continue with no modification.

BOARD OF OPTOMETRY

Statutory Provisions: Code of Alabama, 1975, § 34-22-1 through 34-22-43

Functions

To prescribe rules and regulations for board operations.

To conduct examinations.

To grant licenses.

To make investigations.

Structure

5 members: Appointed by Governor

Members must be Alabama residents and licensed optometrists with a minimum of five years practice.

Status

The review of the Board of Optometry indicated that the Board was satisfactorily carrying out its powers and duties as set forth in the Optometry Practices Act.

Recommendation

Continue with no modification.

ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION

Statutory Provisions: Code of Alabama, 1975 § 36-21-40 through 36-21-50, as amended.

Functions

Study and make recommendations for (a) improving methods of recruiting, selecting and training law enforcement officers (b) training schools, curricula, and courses, (c) the organization and operation of law enforcement agencies and (d) cooperative agreements between law enforcement agencies.

Adopt minimum standards for law enforcement officers.

Report law enforcement activities and accomplishments.

Determine if statutes and Commission rules and regulations are in compliance.

Structure

7 members:

Four members are appointed by the Governor. The Fraternal Order of Police, the Alabama Peace Officers Association and the Alabama Law Enforcement Planning Agency each appoint one member.

All members must be qualified electors and over 19 years old.

Status

The Alabama Peace Officers Standards and Training Commission has been funded by appropriation from the Alabama Special Educational Trust Fund in past years as well as from Federal grants. The funds are funnelled through the Commission to several law enforcement training academies in the state.

Act No. 81-864 provides for court costs to be collected on certain cases by court officials for the Peace Officers Standards and Training fund. These funds should help reduce the appropriation from the Alabama Special Educational Trust Fund for the law enforcement academies.

Recommendation

Continue with no modification.

ALABAMA STATE BOARD OF PHARMACY

Statutory Provisions: Code of Alabama, 1975, § 34-23-1 through 34-23-94 and 20-2-1 through 20-2-93, as amended.

Functions

Administer written exams to applicants.

Promulgate rules and regulations necessary to carry out provisions of the practice of pharmacy.

Issue, suspend, or revoke licenses or permits in accordance to statute.

Enforce statutes, rules and regulations.

Enforce provisions of the Alabama Uniform Controlled Substances Act.

Structure

5 members:

All appointed by the Governor from nominations by the Alabama Pharmaceutical Association and must be licensed in Alabama at least ten years and actively engaged in the practice of pharmacy.

Status

The Board of Pharmacy submitted a written response to several findings by the Examiners of Public accounts. This response was satisfactory to the Committee and listed improvements in the areas of accounting records and administrative procedures.

Recommendation

Continue with no modification.

BOARD OF PODIATRY

Statutory Provisions: Code of Alabama, 1975, § 34-24-230 through 34-24-276 and § 34-24-250 and 34-24-275, as amended.

Functions

Prescribe qualifications to practice podiatry.

Assist in prosecuting violations.

Keep registers of licenses.

Make annual report to the Governor.

Structure

7 members: Appointed by the Governor.

Members must be more than 25 years old, citizens of Alabama and have practiced podiatry in the State for five continuous years.

Status

The Board of Podiatry prepared a written response to findings of the Examiners of Public Accounts stating that it was now complying with all recommendations listed in such audit.

Recommendation

Continue with no modification.

BOARD OF PUBLIC ACCOUNTANCY

Statutory Provisions: Code of Alabama, 1975, § 34-1-1 through 34-1-22, as amended.

Functions

To promulgate and amend rules of professional conduct.

To grant certification to certified public accountants.

To register public accountants, partnerships, professional associations and professional corporations.

Structure

7 Members: Appointed by the Governor.

Number of members shall be reduced to 6 in 1985 and further reduced to 5 in 1991.

Status

Testimony centered around the fact that the exam administered to persons wishing to become Certified Public Accounts is very difficult and the passing rate is very low. The Board members explained that the required scope of knowledge required to become a Certified Public Account has greatly expanded over the last few years and that the material covered is such exams was necessary to ensure competency in the profession. The exam is a national exam.

Recommendation

Continue with no modification.

ALABAMA BOARD OF SOCIAL WORK EXAMINERS

Statutory Provisions: Code of Alabama, 1975, § 34-30-1 through 34-30-58, 1979 Cumulative Supplement.

Functions

Examine and license applicants using criteria for eligibility stipulated in statute.

Collect application fees, examination fees and renewals fees.

Recommend changes in current law.

Notify appropriate district attorney or violations of statute.

Annually publish list of social workers.

Promulgate rules and regulations regarding professional standards for various levels of social workers.

Establish requirements for continuing education.

Structure

7 members:

4—Licensed certified social workers

2—Licensed graduate social workers

1—Licensed bachelor social worker

Status

The Board of Social Work Examiners was reviewed by the Sunset Committee prior to the 1981 Regular Session at which time the recommendation was made to terminate the agency. Many of the administrative procedures were questioned by the Committee at that time. During the past year the Board seems to have cleared up most of these objections.

The fact remains that the majority of persons in the social work field are exempt by law from being required to obtain a license. These are employed by institutions or governmental agencies and do not engage in the independent practice of social work.

Recommendation

Continue with no modification.

CONTINUATION WITH MODIFICATION

STATE BOARD FOR REGISTRATION OF ARCHITECTS

Statutory Provisions: Code of Alabama, 1975, § 34-2-30 through 34-2-42, 1980 Cumulative Supplement.

Functions

- Regulates the practice of architects by:
- Administering exams.
- Issuing certificates.
- Investigating complaints, promulgating rules and regulations.

Structure

- 6 members: Appointed by the Governor.
- All registered architects
- 1—From Alabama's northern district
- 2—From the north central district
- 2—From the central district
- 1—From the southern district

Status

Several administrative procedures concerning fees and certificates need to be corrected according to the audit submitted by the Examiners of Public Accounts to the Sunset Committee. The Board was asked to prepare a written response to the Committee outlining these changes.

The Sunset Committee agreed with the Board that there was no need for a list of certified architects to be submitted to the Office of the Secretary of State to be recorded.

Recommendation

Continue with modification.

- 1) Remove the requirement that a list of certified architects be submitted to the Secretary of State to be recorded in that office.

LICENSING BOARD OF GENERAL CONTRACTORS

Statutory Provisions: Code of Alabama, 1975, § 34-8-1 through 34-8-27, as amended.

Functions

To promote the general public welfare by requiring that only properly qualified persons be permitted to engage in general contracting.

Structure

- 5 members:
- Appointed by the Governor to 5 year terms.

Chairman, Vice-Chairman and Secretary-Treasurer are designated by the Governor at the time of appointment.

Each member must be a general contractor with at least 10 years experience.

1 member shall have as a major portion of his business the construction of public utilities, another the construction of highways and another the construction of buildings.

Status

Several amendments to the present law were considered by the Sunset Committee in order to provide for better regulation of the contracting profession.

Recommendation

Continue with modifications.

1) Certified appraised value in lieu of book value may be used in determining the net worth of an applicant.

2) Eliminate section of present law which classifies contractors by setting bid limits on single contracts.

3) Eliminate requirement that 80% of first job must be satisfactorily performed before work may be started on another job.

4) Eliminate present statute that makes it a misdemeanor for any person to consider or receive a bid from anyone not properly licensed.

5) Eliminate section which requires licensee to be exempt from showing proof that he is licensed if seeking a building permit where cost is under \$20,000. All licensees will now have to provide such proof.

ALABAMA DAIRY COMMISSION

Statutory Provisions: Code of Alabama, 1975, § 2-13-40 through 2-13-66, as amended.

Functions

To regulate the production, transportation, storage, processing, manufacture, distribution, delivery and sale of fluid milk within the state.

Structure

5 members:

1—Commissioner of Agriculture and Industries

4—appointed by the Governor

May have no direct or indirect interest in the milk industry.

Status

In 1980 a Sunset Law was passed which terminated the existence of the Alabama Dairy Commission upon implementation of a federal milk marketing order in Alabama. Such federal order has not been implemented at this time but could possibly become effective in 1982. If the federal order is not implemented, the Alabama Dairy Commission will continue as presently structured.

Testimony from Dairy Commission officials expressed concern over the phase-out of the commission should such take place. Several areas needed to be addressed to assure an orderly cessation of affairs. The Committee agreed with the suggestions offered by the Commission.

Recommendation

Continue in existence until the implementation of a federal milk marketing order and provide for the orderly cessation of affairs as follows:

1) As of the effective date of the implementation of the Alabama-West Florida Milk Marketing Order, the Commission will:

- (a) Hold no more public hearings,
- (b) Issue no more general orders or regulations,
- (c) Collect no more license fees.

2) Under the direction of the Executive Secretary or Acting Executive Secretary, the following steps shall be taken to phase out the agency:

(a) Audit the books and records of all licensee distributors for all periods of operation until the effective date of the implementation of the Federal Milk Marketing Order.

(b) Form a committee composed of the Executive Secretary or Acting Executive Secretary, Commissioner of Agriculture or his designated representative, one staff member of the Department of Archives and History and one staff member of Auburn University School of Agriculture, that shall meet, study and determine the disposition of the records of the Commission.

(c) Pay all outstanding bills.

(d) Assign all Commission property on the property inventory to the State surplus property sale. The proceeds from the sale of property shall go into the State General Fund.

(e) Any residual funds remaining in the Dairy Commission Trust Fund shall be paid to distributor licensees and producer licensees in proportion to their payments into the Fund, the most recent payments considered first, the second most recent payments considered second, etc.

(f) Make the results of the most recent audit of each distributor available to the Administrator of the Alabama-West Florida Milk Marketing Order.

3) The phase-out of the operations of the Commission shall be accomplished in not more than six months following the implementation of the Federal Milk Marketing Order. Six months following the implementation of the Federal Milk Marketing Order, Sections 40 through 66 of Chapter 13, Title 2, Code of Alabama, 1975, as amended, shall be repealed.

4) In the event resignations of staff members makes no staff member available to assume the position of Executive Secretary or Acting Executive Secretary before the agency is phased out, the Commissioner of Agriculture shall act as Receiver and provide for the execution of the provisions of this Section and shall be reimbursed for expenses from surplus funds prior to transfer to distributors.

BOARD OF HEARING AID DEALERS

33 Statutory Provisions: Code of Alabama 1975, § 34-14-1 through 34-14-

Functions

Advise and assist the State Board of Health in its duties to register applicants, issue and renew licenses, and collect fees.

Prepare examinations for applicants.

To regulate hearing aid dealers and fitters in accordance with the hearing aid dealers act.

Structure

7 members:

One members must be an otolaryngologist

One member must be an audiologist

Members who are hearing aid dealers must hold a valid license as a hearing aid dealer, and have no less than three years experience.

Status

The testimony presented at the public hearing for the Board of Hearing Aid Dealers focused on two aspects of the Board. Expenditures of the Board in the first 10 months of 1981 fiscal year represents an increase of 354% over the year 1977. Projected revenues for fiscal years 1982 and 1983 reveal that the Board will soon run out of funds. It was also noted that the Board presently has no rule-making authority.

Recommendation

Continue with modification.

- 1) Limit amount of time person may operate with a temporary permit.
- 2) Authorize the Board to promulgate rules and regulations regarding ethical conduct.
- 3) Authorize any licensed audiologist to obtain a hearing aid dealers license by paying the appropriate fee.

ALABAMA PUBLIC LIBRARY SERVICE

Statutory Provisions: Code of Alabama, 1975, § 41-8-1 through 41-8-8

Functions

Provide staff and advice to aid in organizing proposed public libraries and to assist in improving established public libraries.

Administer funds, books or other property received from any source.

Structure

Executive Board

5 members: Appointed by the Governor

Qualified electors who have resided in the state for at least 5 years.

Status

Testimony provided the Sunset Committee indicated that certain rules and regulations promulgated by the Executive Board which sets criteria for determining eligibility to receive state aid were too restrictive. The Committee felt that smaller libraries should not be included under guidelines which include certain educational requirements in order to be employed as a head librarian and also did not think that they should be required to operate a certain number of hours per week as required by current guidelines.

Recommendation

Continue with modification.

- 1) Change name to State Library of Alabama and designate director as "State Librarian".
- 2) Provide the Public Library Service may not promulgate regulations which are inconsistent or in conflict with federal or state regulations.
- 3) Public Library Service shall not promulgate rules regarding educational requirements or hours of operation.

ALABAMA BOARD OF NURSING

Statutory Provisions: Code of Alabama, § 34-21-1 through 34-21-26 and § 34-21-40 through 34-21-63

Functions

Examine and license qualified applicants for licensure as registered nurses and as licensed practical nurses.

Establish criteria for scholarships awarded.

Provide continuing education programs for nurses.

Establish criteria for nursing education programs and evaluate programs.

Issue rules and regulations necessary to enforce statutes.

Structure

9 members:

6—Registered nurses

3—Licensed practical nurses

Appointed by the Governor from lists submitted by Alabama State Nurses Association, Licensed Practical Nurses Association of Alabama and the Licensed Practical Nurses, Association, Inc.

Status

Testimony presented to the Sunset Committee focused on several aspects of the Nursing Board including:

The Board is made up of 6 RN's and 3 LPN's but under present statute, all members do not have equal voting status.

There is a possible conflict in that the Board of Nursing is authorized to approve nursing programs in Alabama's institutions as well as set standards, authority that is given to the State Board of Education.

The Board of Nursing has control over all programs by virtue of the fact that they make the final decision as to who may sit for the examination.

Recommendation

Continue the existence of the Board with the following modifications:

- 1) Provide for 1 additional board member who will be a consumer.
- 2) Eliminate the section of the law which states the LPN board members shall serve the board in an advisory capacity on concerns affecting the discipline of professional nurses and on matters of the planning and implementation of educational requirements of professional nurses.
- 3) Officers of the board must alternate between administrative nurses and educators each year.
- 4) Public hearings must be held no less than 2 weeks prior to issuing the rules and regulations and agencies and associations affected by such changes must be notified.
- 5) The authority of the Board of Nursing to set standards and approve educational programs shall be reduced to the authority to recommend such to the State Board of Education for its approval.
- 6) Any person who has completed the educational requirements to be a professional nurse shall also be qualified to be a practical nurse.
- 7) Continuing education programs may be conducted by private organizations.
- 8) Change length of terms of Board members from 4 to 2 years.

ALABAMA BOARD OF PARDONS AND PAROLE

Statutory Provisions: Code of Alabama, 1975, § 15-22-1 through 15-22-55 and the Code of Alabama, 1975, § 15-22-2 through 15-22-54, 1981 Cumulative Supplement.

Functions

- Administer a joint statewide probation and parole system.
- Determine state prisoners which are eligible for parole.
- Grant pardons and restore civil and political rights.
- Provide probation services by conducting investigations and supervising parolees.
- Revoke paroles and parolees who violate the conditions of the parole.

Structure

3 members

All members are appointed by the Governor from a list of three nominees nominated by the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals and the Lieutenant Governor. Each Board member must be from different congressional districts.

Status

The Board of Pardons and Parole received a favorable report from an audit conducted by the Examiners of Public Accounts. Testimony provided

the Committee from Board members indicated that the Committee was functioning as authorized by law, however, it was determined that several administrative changes would help the Board to perform more effectively. A list of recommendations submitted by the Board were approved by the Committee.

Recommendation

Continue with modification.

1) The Board of Pardons and Parole shall have the power and authority to accept grants, devices, bequeaths, gifts or contributions on behalf of the State of Alabama as governed by the Ethics Law and make expenditures therefrom.

2) The Board of Pardons and Parole shall have the power and authority to enter into contracts to accomplish objectives of the department as set out by law.

3) The Board of Pardons and Parole may adopt policy and procedural guidelines for establishing parole consideration eligibility dockets based on its evaluation of a prisoner's prior record, nature and severity of the present offense, potential for future violence, and community attitude toward the offender.

4) Any person who, at the time of his retirement, is employed by the Board of Pardons and Parole as a probation and parole officer, shall receive as part of his retirement benefits, without cost to him, his badge and pistol, which the Board authorizes, is granted to such retiree.

5) The Board of Pardons and Parole is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the Board to expend state monies not to exceed \$250 per year for awarding recognition incentive awards for outstanding employees.

6) No state official shall appear or otherwise represent an applicant before the Board of Pardons and Parole for any consideration or thing of value; however, no state official shall be prohibited from appearing without consideration before the Board or Board hearing panel on behalf of an applicant.

7) The Board shall have the power, authority, and jurisdiction to conditionally transfer a prisoner to the authorities of the federal government or any other jurisdiction entitled to his custody to answer pending charges or begin serving a sentence in response to a properly filed detainer from the other jurisdiction. Such conditionally transferred prisoner shall remain in the legal custody of the warden of the institution from which he was transferred. Should any such conditionally transferred prisoner satisfy all detainers against him prior to completion of his Alabama sentence, said prisoner shall not be released from custody without further order of the Board of Pardons and Parole.

8) The Board of Pardons and Parole and its agents shall have the power and authority to administer oaths and affirmation, examine witnesses and receive evidence on all matters to be considered by the Board.

BOARD OF PHYSICAL THERAPY

Statutory Provisions: Code of Alabama, 1975, § 34-24-190 through 34-24-217

Functions

To define and regulate the practice of physical therapy.

To issue, renew and suspend or revoke licenses to physical therapists and assistants.

To maintain a register listing the names of all licensed physical therapists and assistants in Alabama.

Structure

3 members: Appointed by the Governor

Members must be residents of Alabama

Must have practiced physical therapy in Alabama for three years, and must be members in good standing of the American Physical Therapy Association.

Status

The Board of Physical Therapy was cited for several different procedures by the Examiners of Public Account which were not considered acceptable. These included license procedures, timely deposit of funds, collection of unauthorized fees and security of examination papers. A written response to the Committee indicated that the Board would correct these procedures to comply with those recommendations by the Examiners.

Several proposed amendments were considered by the Sunset Committee in order to improve the effectiveness of the Board.

Recommendation

Continue with modification.

1) Change name of Physical Therapy Assistant to Physical Therapist Assistant.

2) Approval of physical therapy programs may be approved by a nationally recognized accrediting agency and not necessarily the American Physical Therapy Association.

3) Provide for endorsement of individuals licensed in other states.

4) Delete grandfather clause.

5) Provide for new section for foreign trained physical therapist to have credentials evaluated by an educational agency with results reported to the Board.

6) Remove requirement that board members be in good standing with American Physical Therapy Association or abide by standards of that association.

BOARD OF PLUMBING EXAMINATION AND REGISTRATION OF ALABAMA

Statutory Provisions: Act 529, Acts of Alabama 1949

Functions

To provide examinations to applicants.

To issue apprentice, journeyman, or master plumber certificates and collect fees for certificates.

Conduct hearings and suspend or revoke certificates.

Structure

7 members:

One licensed master plumber

One licensed journeyman plumber

One registered professional engineer

One public health officer

Three from the public-at-large

Status

The Board presently has jurisdiction of the plumbing industry in 3 counties only as set out in the original act. Due to the increase in population Madison County now is large enough to be included under the requirements of the Act, however, as in most other counties of the state there are local laws governing this trade in Madison County.

Recommendation

Continue with modification:

1) Eliminate Madison and Jefferson Counties from the provisions of this act.

BOARD OF EXAMINERS IN PSYCHOLOGY

Statutory Provisions: Code of Alabama, 1975, § 34-26-1 through 34-26-48

Functions

To examine applicants and issue licenses to those qualified to practice as psychologists.

To conduct investigations and hold hearings when necessary.

Structure

5 members: Appointed by the Governor.

Members must be licensed or qualified for licensure under the provisions of the Psychology Act.

Two members must be at least assistant professors of accredited state colleges and primarily engaged in teaching, research or administration.

Status

The Board of Examiners of Psychology has responded favorably to items listed in the audit prepared by the Examiners of Public Accounts.

The Committee expressed concern over the method of setting the passing score for the examination and asked the Board to review its' method. In a

written response the Board indicated that it's current cut-off score using the mean raw score for all doctoral candidates was preferable over setting an absolute cut-off score for passing the exam because the difficulty of the exams fluctuates considerably. It was noted that the present method has resulted in the cut-off being between 71% and 79% each year.

The Board also asked the Committee to consider the further defining the requirements of licensure as a psychologist because the Board is presently forced to license some individuals who do not have sufficient training.

Recommendation

Continue with modification.

(1) Give Board authority to determine by rule or regulations the definition of a school of Psychology which would be used in determining qualifications to be licensed.

BOARD OF HEALTH/STATE COMMITTEE ON PUBLIC HEALTH AND DEPARTMENT OF PUBLIC HEALTH

Statutory Provisions: Section 22 of Code of Alabama, 1975; Section 34-14-1 through 34-14-33; Section 16-30-1 through 16-30-5; Section 20-2-1 through 20-2-93

Functions

Oversee duties and functions of the Department of Public Health which includes:

Enforce all Public Health laws, encourage disease prevention and protect the general health of the state.

Deliver personal services such as immunizations, screening, preventive programs and maternal and child health programs.

Promulgate and enforce the rules and regulations concerning the environment including dairy and public food facility inspections, solid and hazardous wastes disposal, sanitation and x-ray inspection.

Conduct various support functions such as vital statistics, health education, emergency services, licensure and certification of health facilities and data processing.

Structure

16 members:

12 members appointed by the Medical Association with a least one from each U. S. Congressional District and the remaining members being at-large.

4 Chairman of Committee Councils.

Recommendation

Continue with modification.

1) Provide that Department of Public health will allow use of aerobic waste water treatment systems and adopt rules and regulations concerning such use.

Terminations:

BOARD OF BARBER EXAMINERS

Statutory Provisions: Code of Alabama, 1975, § 34-5-1 through 34-5-16 and the Code of Alabama, 1975, § 34-5-15, 1981 Cumulative Supplement.

Functions

Examine, certify and license applicants.

Promulgate rules and regulations compatible with the statute and the State Board of Health.

Prescribe rules for its government and have a seal to authenticate its acts.

Maintain permanent records and register of all applicants.

Inspect all phases of barbering for sanitary conditions.

Refuse, revoke and suspend licenses and certificates upon violation of statutes.

Administer oaths and request subpoenas.

Structure

5 members

All appointed by the Governor for five year staggered terms and must have been practicing barbers in Alabama for the past five (5) years.

Status

The Board of Barber Examiners was recommended for termination by the 1980 Sunset Committee but due to an opinion by the Attorney General's Office remained in existence. The actual termination date for the Board is October 1, 1982 unless continued by the legislature.

Recommendation

Terminate the existence of the Board with all surplus funds to be deposited in the State General Fund and all property and equipment to be transferred to the Division of Services of the Finance Department.

STATE BOARD OF HEATING, AIR CONDITIONING, ROOFING
AND SHEET METAL CONTRACTORS

Statutory Provisions: Code of Alabama, 1975, § 34-31-1 through 34-31-17, 1981 Cumulative Supplement.

Functions

Charge and collect fees and fines, establish examinations to require posting of contractor performance bonds, test applicant and issue certifications.

Structure

7 members

2—appointed by Governor, mechanical engineer and manufacturer's representative

3—by Lt. Governor, air conditioning contractor, roofing contractor and member from organized labor

2—Speaker, the architect and sheet metal contractor

Status

An audit prepared by the Examiners of Public Accounts indicated several problems with the Board as it is presently operating. Among these were that the Board has no power to revoke or suspend the certificates it issues nor does it have authority to make rules and regulations.

Testimony provided the Sunset Committee indicated that the passing rate of the exam was very low (an average of 41% over the past 3 years). A majority of those persons certified by the Board were grandfathered in and have not taken the exam. It was noted that the exam contained a section on business applications that made up approximately 50% of the exam. Several Committee members felt that a thorough understanding of business applications should not be a requirement for becoming certified as a repairman or air conditioning technician. They felt that the current law was restricting entrance into the field.

Recommendation

Terminate existence of Board with all funds transferred to the General Fund and all property to the Division of the Services of the Finance Department.

BOARD OF MEDICAL TECHNICIANS EXAMINERS

Statutory Provisions: Code of Alabama, 1975, § 34-18-1 through 34-18-47.

Functions

Administer written medical technicians exams.

Issue, annual and revoke certificates of registration.

Promulgate rules and regulations to govern its proceedings and operations.

Structure

5 members: Appointed by the Governor. Three members are medical technicians with five years' or more experience. One member is a physician, and one member is a physician-pathologist.

3 medical technicians with 5 years or more experience.

1 physician.

1 physician-pathologist.

Status

Testimony provided the Sunset Committee during the public hearing indicated that the present law governing medical technicians was outdated and not very effective. The results of a questionnaire sent to a group of individuals certified by the Board indicated that there was no need for the continued existence of the board.

Several groups of persons employed in the laboratory field suggested that a new law be passed by the legislature, however, according to those persons present at the public hearing, there was no consensus from all involved who should come under the provisions of the bill.

Recommendation

Terminate the existence of the Board of Medical Technician Examiners and transfer all funds to the General Fund and all equipment and property to the Division of Service of the Finance Department.

ALABAMA STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

Statutory Provisions: Code of Alabama, 1975, § 22-4-1 through 22-4-17 and the Code of Alabama 1975, § 22-4-2 through 22-4-5, 22-4-8, 22-4-11 and 22-4-13. Code of Alabama 1975, § 22-21-260 through 22-21-277, 1981 Cumulative Supplement. Public Law 93-641. Public Law 95-623. Public Law 96-79.

Functions

Conduct the health planning and development activities of the state.

Prepare, review, adopt and revise as necessary a state health plan and a medical facilities plan.

Assist statewide health co-ordinating council in the administration of its functions.

Review all institutional health services.

Structure

Nine members appointed by the Governor:

3 providers of health services

3 consumers of health services

2 cabinet members

1 designee of Governor

Status

In 1974, the Congress passed Public Law 93-641 which is known as the National Health Planning and Resource Development Act. This act combined the Hill-Burton Program, the Comprehensive Health Planning Program and the Regional Medical Program into a national health planning policy administered under supervision of the Department of Health, Education and Welfare (HEW). As a result of P. L. 93-641, the Alabama Legislature passed Act No. 1197, Acts of Alabama 1975 creating the State Health Planning and Development Agency (SHPDA) under the State Board of Health.

On August 1, 1976, the State Board of Health received conditional designation as the SHPDA by HEW. The State Committee of Public Health's application for full designation was denied by HEW. The denial was based on the following:

1) There was a conflict of interest with the State Committee of Public Health as it relates to the Alabama Medical Association.

2) The Agency did not satisfactorily perform its functions as required by P. L. 93-641.

3) There was a lack of coordination between various planning entities within the state.

4) There was a failure to meaningfully consider the health systems agencies in the Section 1122 decision process.

5) Evidence was not provided to demonstrate that Certificate of Need legislation had been amended to conform with the Social Security Act, Section 1122.

On June 26, 1979 the Governor, under the authority of Public Law 93-641, designated the SHPDA as a separate agency within the Governor's office. This change was necessary to continue federal funding and adequate planning in development of health services. Currently, SHPDA operates under Executive Order Nos. 7 and 36 and the Code of Alabama, 1975, § 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277, as amended.

Recommendation

Terminate the existence of the State Health Planning and Development Agency with all functions, duties, and responsibilities of this agency and the board transferred to a new agency, the "Alabama Health Planning Commission" which is established herein.

The above report was read and ordered spread upon the Journal.

ADJOURNMENT

At 1:05 P.M., on motion of Mr. St. John, the Senate adjourned until Thursday, January 14, 1982, at 11 o'clock A.M.

SECOND LEGISLATIVE DAY
THURSDAY, JANUARY 14, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The session was opened with prayer by the Reverend Wayne Burns, Pastor, Eastdale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Keener	Proctor
Bailey	Gulledge	Kirkland	St. John
Barron	Hall	Little	Smith
Callahan	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks

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JOURNAL

On motion of Mr. Cook, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Cook, leave of absence was granted Messrs. Britnell, Figures, Glass, Lemaster, Miller, Pearson, Robertson, and White for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kirkland:

S. 156. To amend Section 13A-5-9 of the Code of Alabama 1975, to provide that when a defendant has been previously convicted of any three felonies, then upon conviction of a Class A felony, he must be punished by imprisonment for life without parole, but in all other cases where it is shown that a criminal defendant has been previously convicted of any felony and after such conviction has committed another felony, the defendant may be punished under the provisions of the habitual felony offender act.

Committee on Judiciary.

By Mr. Kirkland:

S. 157. To amend Section 13A-11-72(a) of the Code of Alabama, 1975 so as to provide that anyone who has been convicted of committing or attempting to commit a crime of violence shall not own a rifle or shotgun and shall not have either of those weapons in their possession or under their control.

Committee on Judiciary.

By Mr. Kirkland:

S. 158. To amend Section 12-16-9 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

Committee on Judiciary.

By Mr. Kirkland:

S. 159. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

Committee on Judiciary.

By Mr. Kirkland:

S. 160. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Committee on Judiciary.

By Mr. Kirkland:

S. 161. To repeal Section 13A-10-106 Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

Committee on Judiciary.

By Mr. Keener:

S. 162. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual

renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Hall, Parsons, Hilliard, Vacca, White and Cook (with notice and proof):

S. 163. Relating to Jefferson County; to provide certain health benefits to Jefferson County Pension System members who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 163, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague:

S. 164. To amend Section 32-9-25 of the Code of Alabama of 1975, which relates to length exemptions of certain motor vehicles, so as to provide that such vehicles hauling motor vehicles or motor vehicle bodies shall not exceed 65 feet in length.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 165. To amend Section 16-1-2 of the Code of Alabama 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Kirkland (with notice and proof):

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 166, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Denton:

S. 167. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any

highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Hall:

S. 168. To provide that salary increases granted to educational personnel shall become effective with the contract year.

Committee on Finance and Taxation.

By Messrs. deGraffenried, Barron and St. John:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Committee on Judiciary.

By Mr. Little:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Committee on Finance and Taxation.

By Mr. Little:

S. 171. To provide for the public offense of library theft; to define the offense and to define certain items; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the acts.

Committee on Judiciary.

By Mr. Keener:

S. 172. To amend sections 32-7-5 and 32-7-6, Code of Alabama 1975, commonly known as the Motor Vehicle Safety Responsibility Act, so as to increase the security required, and to increase the amount of property damage which must be sustained to require an accident report be filed.

Committee on Judiciary.

By Messrs. Hall, Teague and Holmes:

S. 173. To provide that only those qualified electors residing in the jurisdiction of a county school system may vote for members of the county board of education or superintendent of education.

Committee on Education.

By Mr. St. John (By Request):

S. 174. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Mr. St. John (By Request):

S. 175. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Mr. St. John (By Request):

S. 176. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 177. To amend Sections 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Harrison:

S. 178. To amend Section 36-30-2, Code of Alabama 1975, relating to compensation paid to certain dependents of firemen and law enforcement officers killed in the line of duty, so as to grant a public paid college education or vocational education to said persons, and to provide retroactive effect.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code and the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

Committee on Judiciary.

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By Mr. Bailey:

S. 180. To amend Section 25-4-77, Code of Alabama 1975, as last amended, relating to benefit eligibility and conditions therefor, so as to provide further for such conditions.

Committee on Business and Labor Relations.

By Mr. Bailey:

S. 181. To amend Section 25-4-78 of the Code of Alabama 1975, as amended, so as to provide further for disqualifications for unemployment compensation benefits.

Committee on Business and Labor Relations.

By Mr. Mitchem:

S. 182. To provide authority for the state board of education to appoint a chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set the salary of its chief executive officers; establish the authority of the board and chancellor regarding the junior colleges and trade schools and the office of the chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

Committee on Education.

MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, January 19, 1982, at 2 o'clock P.M., which motion was adopted.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 81-499, 1981 Regular Session, the report of the Joint Interim Committee on Municipal Government was filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Messrs. Cook, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Resolution, to-wit:

S. R. 3. EXTENDING BIRTHDAY WISHES TO CHARLES GORDON CRAWFORD.

Which was adopted.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. COMMENDING MR. ED TUNNELL OF BAY MINETTE, ALABAMA, ASSOCIATE COUNTY AGENT FOR BALDWIN COUNTY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the recent Award for Excellence bestowed upon Mr. Ed Tunnell of Bay Minette by the Auburn University Alumni Association; and

WHEREAS, this prestigious award is one of four annual presentations of the association in recognition of outstanding achievement by staff members of the Alabama Cooperative Extension Service, with just one award given in each of the four major areas of involvement of ACES; and

WHEREAS, Mr. Tunnell, formerly of Millport, Alabama, and associated with the Extension Service in Baldwin County since 1973, was chosen for his work with youth in the Service's 4-H program and the profound positive impact he has had upon those under his leadership and guidance; and

WHEREAS, a major accomplishment during his tenure with ACES in Baldwin County, has been Mr. Tunnell's development of a comprehensive and balanced program utilizing a variety of teaching methods to motivate and involve young 4pH participants in the area; and

WHEREAS, in addition to directing one of the largest of 4-H Horse Clubs in the district, Mr. Tunnell has organized a Marine Science 4-H Club and has had numerous district and state project winners, as well as a number of delegates to the National 4-H Congress in Chicago; he also had the state championship Judging Team in 1981; and

WHEREAS, professionally, Mr. Tunnell serves as director of the Alabama 4-H Agents Association and is a member of the Baldwin County Cattlemens Association, the County Swine Association, a number of civic and community organizations, and the First Baptist Church of Bay Minette which he serves as deacon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ed Tunnell of Bay Minette, Alabama, for outstanding service with the Alabama Cooperative Extension Service; we further congratulate him on his recent Award for Excellence and direct that he receive a copy of this resolution in token of our sincere warm praise and high regard.

On motion of Mr. Gullledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge then offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. MOURNING THE DEATH OF MR. DENNIS B. HOWELL, JR., OF BAY MINETTE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the untimely death of Mr. Dennis B. Howell, Jr., of Bay Minette, Alabama, on December 14, 1981, at the early age of 59 years; and

WHEREAS, at the time of his death, Mr. Howell was serving as Baldwin County Tax Collector, an elective position he had held for the past 20 years following ten years of prior service as an employee of the tax collector's office; and

WHEREAS, Mr. Howell, who was a native of Bay Minette and a United States Army veteran of World War II, was a graduate of Baldwin County High School and had attended the University of Alabama; he was a member of and active in the affairs of the State Association of Tax Collectors, a member and deacon of the First Baptist Church, a member of the Bay Minette Masonic Lodge Number 498 and of Abba Temple in Mobile; and

WHEREAS, the regrettable death of Mr. Dennis Howell has indeed left a deep void in the community and in the lives of his family and many, many friends; he was a dedicated public servant whose life reflected his care and concern for others, his generosity, and his love for those he helped as he unselfishly gave of his time and many talents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Dennis B. Howell, Jr., and express our most heartfelt sympathy to his wife, Mrs. Martha Blackmon Howell; to their children, Martha Sue, Donna Eloise and Dennis B. Howell, III; and to other family members to whom a copy of this resolution shall be sent.

On motion of Mr. Gullede, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 6. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 75.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. B. 75, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of S. B. 75 conflict with Article I, § 6 of the Constitution of Alabama of 1901?
2. Does Section 1 of S. B. 75 conflict with Article IV, § 105 of the Constitution of Alabama of 1901?
3. Should S. B. 75 be advertised in accordance with Article IV, § 106 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 75, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Thirty-seventh Judicial Circuit, to change the present jury strike system in criminal cases to a one strike system in trials by jury for violations, misdemeanors or felonies, or upon appeals to the circuit courts from lower courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the trial by jury of criminal cases in the circuit courts of the Thirty-seventh Judicial Circuit, the jury shall be drawn, selected and empaneled as follows: Upon the trial by jury in the circuit courts of a person charged with a felony, including a capital felony, a misdemeanor, or violation, or upon an appeal to the circuit court from any lower courts, the court shall require a strike list or lists to be compiled from the names appearing on the master strike list. In compiling the list or lists, names of qualified jurors may be omitted on a non-selective basis. A strike list shall be furnished for the trial of any case at hand and a copy thereof given to all parties. The jurors whose names appear thereon shall be brought into open court, the case called and in the presence of the district attorney, the defendant and his attorney, shall be examined on voir dire for the trial of the case at hand. At the conclusion of the voir dire examination and the removal from the strike list of the names of those jurors who were challenged or excused for good reason, the district attorney shall be required first to strike from the strike list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only 12 jurors remain on the strike list and these 12 jurors thus selected shall be the jury charged with the trial of the case.

If any defendant shall refuse to exercise a strike to which he is entitled, then the judge presiding shall exercise that defendant's strike for him. The number of names appearing on the strike list upon commencement of striking, unless a lesser number is agreed to by the parties, shall not be less than 36 if the offense charged is a capital felony or less than 24 if the offense charged is a felony not punished capitally nor less than 18 if the offense charged is a misdemeanor or violation. No special venire shall be ordered, drawn, or summoned for the trial of any person indicated for a capital felony.

Section 2. All laws or parts of laws which conflict with this act are hereby appealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Reps. Sasser, Patton, Letson, Holmes, Adams (C), Mitchell, Adams (H), Blake, Brakefield, Carothers, Crow, Gilmer, Grimsley, Howard, Langford, Owens, Penry, Roberts, Turner and Williams:

H. J. R. 22. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE PUBLIC EMPLOYMENT SERVICE TO A REASONABLE FUNDING LEVEL CONSISTENT WITH THE NEEDS OF EMPLOYERS AND THE LABOR FORCE OF THIS NATION.

WHEREAS, the national system of Public Employment Offices was established in 1933 under the provisions of the Wagner Peyser Act to combat the high unemployment of the "great depression"; and

WHEREAS, the national system of Public Employment Offices has been historically the moving force to unite employers in need of workers with the longest available resource of manpower; and

WHEREAS, the national system of Public Employment Service has become the primary agency for referral to employment and training programs designed to train and upgrade the "labor force" of America; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and Alabama business, likewise, deserves the right to earn a fair profit under the American system of free enterprise, and the Alabama State Employment Service is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between employer and employee, lending support to both as they pursue common goals; and

WHEREAS, one of every eight people in the State of Alabama during fiscal year 1981 applied for assistance at one or more of the Alabama State Employment Service local offices; and

WHEREAS, the Alabama State Employment Service has suffered budget reductions causing a decrease of 47.3% in staff since July 1, 1981, and the closing of the following offices and itinerant service points: Mobile Bel-Air, Birmingham Youth Opportunity Center, Roanoke, Birmingham Apprenticeship Information Center, Bessemer, Prichard, Phenix City, Ozark, Sylacauga, Russellville, Troy, Decatur, Montgomery East, Opp, Butler, Elba, Clayton, Clio, Rainsville, Hayneville, Wetumpka, Luverne, Pell City, Arab, Oneonta and Florence; and

WHEREAS, the Congress of the United States has funded the Public Employment Service since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to restore the Public Employment Service to a reasonable funding level consistent with the needs of employers and the labor force of this nation as contained in the present U. S. House Appropriation Bill already passed by that body.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U. S. Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Proctor, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, the Board of Trustees, of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Mr. Proctor, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendment):

S. 70. To create a Board of Health Services Personnel; to provide for the purposes of such board; to provide that such board shall be the legal entity to recognize and identify certain of the various disciplines of allied health service occupations and professions, including: cytotechnologists, dietitians, electroencephalographic technologists, medical assistants, medical technologists, medical laboratory technicians, medical record administrators, medical record technicians, nuclear medical technologists, occupational therapists, occupational therapy assistants, radiation therapy technologists, radiographers, respiratory therapists, respiratory therapy technicians, surgical technologists, and certain other allied health services related occupations and professions, the achievement and qualifications of such individuals with certain training, expertise and education; to provide for a registry therefor; to prescribe the composition, appointments, terms, meetings, officers, powers and duties, expense allowances and mileage of the board members; to provide for the collection and disposition of fees; to authorize the board to set certain prerequisites and standards for inclusion in such registry; to authorize the board to employ and set the salary of an executive director, his powers and duties; to authorize such director to employ and set salaries for staff and personnel or to contract for such services; to authorize the board to conduct hearings, administer oaths; to provide the board with subpoena powers for records and witnesses related to the board's

jurisdiction; to authorize the board to employ counsel, revoke and suspend registration and reinstate certificate holders; and to specifically repeal Sections 34-18-20 through 34-18-47, relating to medical technicians and the Board of Medical Technician Examiners, and Sections 34-24-291, 34-24-293, and 34-24-294, relating to assistants to physicians, all sections of the Code of Alabama 1975, and all laws or parts of laws in conflict or inconsistent with the provisions of this act.

Mr. Proctor, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar to wit:

By Mr. White (With Substitute):

S. 140. To further amend Section 6-5-333 of the Code of Alabama 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors.

Mr. Proctor, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar to wit:

By Messrs. White and Proctor (With Amendment):

S. 141. To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission, including the power to promulgate rules and regulations; to provide for the selection of a chairman and fix the tenure of his office; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission members having an interest in matters before the Commission; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from the agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification for the issuance of a certificate of need by the Commission; to provide for promulgation of rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service without first obtaining the certificate of need described in this bill; to provide for waiver of formal review and substitutes nonsubstantive review under certain stated conditions; to specify the effective period of the certificate of need and the period for commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of

amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act; to deny reimbursement for services rendered by facilities constructed in violation of the Act; to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

By Mr. Martin:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

By Mr. Martin:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and

11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

By Mr. Smith:

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

By Mr. Parsons:

S. 115. Relating to the continued existence and functioning of the Board of Examiners of Landscape Architects provided for in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Smith:

S. 116. Relating to the continued existence and functioning of the Board of Registration for the Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Smith:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Smith:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Holmes:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Parsons:

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Holmes:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

By Mr. Hilliard:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

By Mr. Parsons:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicant's financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

By Mr. Holmes:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

By Mr. Smith:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and function of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

By Mr. Holmes:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Sections 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

By Mr. Holmes:

S. 136. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Public Library Service as provided in Section 41-8-1 through 41-8-8 of the Code of Alabama 1975, with certain modifications; to amend Sections 41-8-1 through 41-8-7, so as to: Change the name of the Service to "State Library of Alabama"; to designate the director as the "State Librarian"; and to prohibit the Public Library Service (State Library of Alabama) from promulgating regulations or rules which are inconsistent or in conflict with federal or state regulations, or which regulate educational requirements of hours of operation of libraries.

By Mr. Smith:

S. 107. To amend the Section 41-4-156 of the Code of Alabama 1975 so as to include municipal clerks in the distribution of local and general acts by the secretary of state.

By Mr. Holmes:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Parsons:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Smith:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Holmes:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Parsons:

S. 124. Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Parsons:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

By Mr. Smith:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

By Mr. Hilliard:

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapists as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-211, 34-24-214, 34-24-216, and 34-24-217, so as to: provide a definition of "foreign trained

physical therapist" and authorizing the board to grant a license to such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; and to change the name of "physical therapy assistant" to "physical therapist assistant", and to allow such assistants to practice under direction of a licensed physician.

By Mr. Smith:

S. 133. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-24-48 of the Code of Alabama 1975, with certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements for licensure, in that a candidate must have a doctorate degree from a department or school of psychology recognized by the board.

By Mr. Smith:

S. 137. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Health Department as provided in sections 22-1-1 through 22-1-9 and as variously provided in Chapters 1 and 2 of Title 22, of the Code of Alabama 1975; with certain modifications; to amend Section 22-2-2 so as to provide that the State Health Department shall recognize the use of aerobic wastewater treatment facilities and shall adopt rules and regulations regarding the construction and use of same.

By Mr. Smith:

S. 138. To terminate the existence and functioning of the State Health Planning and Development Agency and to specifically repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, relating to said agency; to create a new agency to be called the "Alabama Health Planning Commissions" and to provide new provisions of law which would replace and assume the function of the terminated agency.

ADJOURNMENT

At 11:45 A.M., on motion of Mr. deGraffenried, in accordance with motion heretofore adopted, the Senate adjourned until Tuesday, January 19, 1982, at 2 o'clock P.M.

THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 19, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Doctor Earl M. Hall, Pastor, Normandale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Keener		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Smith for today.

RESOLUTION

Messrs. Goodwin and Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. DESIGNATING THE CITY OF SELMA AS THE BUTTERFLY CAPITAL OF ALABAMA.

WHEREAS, cognizant of the great beauty and of the environmental importance of butterflies, some five area organizations of Selma, Alabama, representing an aggregate membership of more than a thousand individuals, are creating a haven for butterflies in the City of Selma, Dallas County, Alabama; and

WHEREAS, dedicated as to purpose, these organizations have planned and initiated a number of programs, projects and activities designed to attract large numbers of butterflies to central Alabama; and

WHEREAS, educational efforts are planned, for example, to instruct both young people and adults in the Selma area as to the great importance of the Butterfly as a pollinator and therefore a necessity to environmental balance; and

WHEREAS, other planned projects include suitable plantings during Arbor Week to provide homes for the butterfly larval stage, as well as the planting of flowering shrubs and annuals in season that are attractive to butterflies during the spring and summer months; and

WHEREAS, these and numerous other activities have been planned in a continuing effort to protect and encourage the Butterfly that future generations may share the love and understanding of butterflies that we enjoy today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and support of the efforts toward preservation and proliferation of the Butterfly by many citizens of central Alabama, we hereby name and designate the City of Selma, Dallas County, Alabama, as the Butterfly Capital of Alabama.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. NAMING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 3. COMMENDING ASTRONAUT JOE HENRY ENGLE, COLONEL, UNITED STATES AIR FORCE.

Also:

H. J. R. 4. COMMENDING ASTRONAUT RICHARD HARRISON TRULY, CAPTAIN, UNITED STATES NAVY.

Also:

H. J. R. 5. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON JANUARY 14, 1982, AT 11:00 A.M.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 22. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE PUBLIC EMPLOYMENT SERVICE TO A REASONABLE FUNDING LEVEL CONSISTENT WITH THE NEEDS OF EMPLOYERS AND THE LABOR FORCE OF THIS NATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILL RE-REFERRED

Mr. White moved that the Bill, S. B. 70, be removed from the calendar and re-committed to the Standing Committee on Health and Welfare, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 70, re-committed to the Standing Committee on Health and Welfare.

COMMUNICATION FROM

THE LEGISLATIVE COMMITTEE ON PUBLIC ACCOUNTS

State of Alabama

January 19, 1982

The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

The Legislative Committee on Public Accounts, in a special meeting assembled in the Capitol in the City of Montgomery, on January 12, 1982, and pursuant to the authority of the Code of Alabama 1975, § 41-5-3 and 41-5-18, appointed the Honorable Ronald Lee Jones as Chief Examiner of Public Accounts for the term of office beginning October 1, 1982 through September 30, 1989.

As Chairman of the Legislative Committee on Public Accounts, I submit this report with the recommendation of the Committee for confirmation of this appointment.

Respectfully submitted,
GEORGE D. H. McMILLAN, JR.,
Chairman.
President of the Senate.

The foregoing Communication was read and referred to the Standing Committee on Rules.

REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION TO THE 1982 SESSION OF THE ALABAMA LEGISLATURE

The Judicial Compensation Commission hereby files its report with the 1982 Regular Session of the Alabama Legislature.

The Commission notes that State appellate and trial judges received no salary adjustment in the 1981 regular session of the legislature through either the report of this commission or by legislative act.

In considering the recommendations for state judicial compensation, this commission concluded that the circuit judges of this state should be compensated at an amount equal to the annual salary paid to United States District judges and that our appellate judges should receive compensation commensurate with the judges of the United States Courts of Appeals. Presently, these federal judges are paid over \$20,000 more per annum than comparable state judges. The judges of our state courts come from the same rank and file of the legal profession as do federal judges. They try the same serious cases; they are just as competent; and their caseloads are double their counterparts in the federal system.

This commission, however, is cognizant of the practical realities regarding salary ranges in state government. In an attempt to recognize the realities of the present, we offer to the Legislature a recommendation which we feel is entirely realistic.

We particularly note that the compensation of many state officials exceeds what we recommend for our state's appellate, circuit and district judges, and therefore we clearly do not regard our recommendations as excessive. They are, at best, an improvement and will, hopefully, be sufficient to retain, and in the future attract competent and dedicated persons to the task of making decisions which affect the life, liberty and property of the citizens of our state.

Accordingly, it is recommended to the Legislature that the annual salary and expense allowance to be paid from the State Treasury for appellate, circuit, and district judges of this state be fixed as follows:

Supreme Court of Alabama

Chief Justice	\$58,500.00
Associate Justices	\$58,000.00

Court of Criminal Appeals and Court of Civil Appeals

Presiding Judge	\$57,500.00
Associate Judges	\$57,000.00

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Circuit Court Judges \$48,000.00
District Court Judges \$38,400.00
(80% of circuit judges' pay)

ADOPTED by the affirmative vote of the below named four members of the Judicial Compensation Commission with one dissent, which is attached hereto and made a part thereof.

CERTIFIED to the Secretary of the State of Alabama and submitted to the Legislature on this 11th day of January, 1982.

J. CLEWIS TRUCKS,
Chairman.

O. D. MASON, JR.,

BOYD WHIGHAM,

T. MASSEY BEDSOLE.

DISSENT

I respectfully dissent.

The arguments are persuasive. The suggested salaries are not unreasonable. Everyone involved is a friend of mine. Nevertheless, as a matter of principle and conscience, I will not be a party to raising the salary or allowances of any elected official during the term of office to which he was elected.

ELISHA C. POOLE.

The foregoing report was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Lester D. Abston to the rank of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 14th day of January, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Colonel Lester D. Abston has been promoted to the rank of Brigadier General.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,
FOB JAMES,
Governor.

Done this 14th day of January, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the promotion to the rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cook:

S. 183. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to powers of arrest and to further provide for the wearing of badges.

Committee on Judiciary.

By Mr. Cook:

S. 184. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Committee on Judiciary.

By Mr. Cook:

S. 185. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Committee on Judiciary.

By Mr. Cook:

S. 186. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Committee on Judiciary.

By Mr. St. John:

S. 187. Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Taylor:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

Committee on Governmental Affairs.

By Mr. Cook:

S. 189. Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

Committee on Judiciary.

By Messrs. Martin, Goodwin, White and Holmes:

S. 190. To provide for the participation by the State of Alabama in the Southeast Interstate Low-Level Radioactive Waste Compact; to provide for the designation of this state's members on the Southeast Interstate Low-Level Radioactive Waste Commission; to provide for the acquisition of property and the operation of a treatment, storage or disposal site; to require a faithful performance bond in the amount of \$2,000,000; to create a Radiation Safety Fund; to provide for the collection of fees; appropriates \$25,000 from the general fund to the Southeastern Low-Level Radioactive Waste Commission; and provides penalties for violations.

Committee on Health and Welfare.

By Messrs. Hall, Cook, Vacca, Harrison, Robertson, Britnell, Denton, Lemaster, White, Taylor, Callahan, Proctor, Goodwin, Teague, Parsons, Bailey and Kirkland:

S. 191. To propose an amendment to the state Constitution raising the legal age for the purchase, possession or consumption of alcoholic beverages to 21 years or older.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Kirkland:

S. 192. To provide further for the rights of sportsmen on state wildlife management areas; to further regulate the taking, capturing, trapping or killing of raccoon and fox; to prescribe that the taking, trapping, capturing or killing of raccoon and fox for commercial purposes shall be a misdemeanor crime; to prescribe penalties upon conviction thereof; and to provide that the provisions of this act shall be construed in pari materia with other such laws.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Teague:

S. 193. To amend Section 10-2A-25, Code of Alabama 1975, as amended, so as to provide that the name of the corporation, if a bank, need not use the word "corporation," "incorporated," or an abbreviation thereof, but instead shall use the words "bank," "banking" or "bankers."

Committee on Banking and Insurance.

By Mr. Kirkland:

S. 194. To amend Section 12-15-1 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Committee on Judiciary.

By Mr. Kirkland:

S. 195. To provide for fair dismissal procedures for non-teachers and non-certified employees in the public educational institutions and facilities in the state who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to ensure procedural and substantive due process of law for dismissals for just cause before an impartial tribunal after the employee completed the probationary period of employment and thereafter gains permanent status; to provide for the appointment of a board of hearing examiners and their compensation; and to define the duties, authority, and jurisdiction of a hearing examiner when he or she hears disputes in contract cancellations; and to provide for judicial review of the decisions of the hearing examiner.

Committee on Education.

By Messrs. deGraffenried, Mitchem, Martin and Gullledge:

S. 196. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 198. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Mr. Goodwin:

S. 199. To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

Committee on Finance and Taxation.

By Messrs. Miller and McDonald:

S. 200. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1983, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Mr. Miller:

S. 201. To amend Section 32-9-31 of the Code of Alabama 1975, relating to the procedure for measuring and weighing vehicles so as to provide further for such procedure.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Parsons:

S. 202. To provide for payment of examination fees by credit unions.

Committee on Banking and Insurance.

By Mr. Parsons:

S. 203. To amend Sections 27-13-35 and 27-13-73 of the Code of Alabama 1975, relating to factors to be considered by the Insurance Commissioner in determining reasonableness of rates, so as to include investment income and other income as factors to consider.

Committee on Banking and Insurance.

By Mr. Teague:

S. 204. Relating to the reorganization of the Public Service Commission; the creation of the Legislative Oversight Committee on Utilities; creating the Alabama Public Staff Agency to represent consumer interests before the Public Service Commission, Hearing Examiners and the Courts; providing for appointment of the Executive Director of the Agency; providing for the organization, duties and responsibilities of the Agency; providing further for the regulation of public utilities generally, their rates, service and operations, creating the Office of Hearing Examiners and providing for the appointment, duties and responsibilities of Hearing Examiners; provides for settlement of contested proceedings; provides that interim rate relief may be granted by the Commission of Hearing Examiner only upon the filing of bond to ensure refund of any portion of such interim increase found to be excessive; and provides for the establishment of related salaries and budgeting.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Higginbotham:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Committee on Education.

By Mr. Higginbotham:

S. 206. Proposing an amendment to the Constitution of Alabama of 1901 to legalize the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in the state.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

S. 207. To propose an amendment to the Constitution of Alabama of 1901, so as to provide for biennial sessions of the Legislature and to repeal Amendment No. 339 to the Constitution.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

S. 208. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

Committee on Business and Labor Relations.

By Mr. Callahan:

S. 209. To make an appropriation to the various public school systems of the state in the public elementary and secondary and in post secondary two year institutions under the jurisdiction of the State Board of Education from the Special Education Trust Fund for the purpose of libraries.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 210. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 211. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Committee on Banking and Insurance.

By Mr. Vacca:

S. 212. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized

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and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 213. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Proctor and Kirkland:

S. 214. To amend Section 20-2-80, Code of Alabama 1975, relating to trafficking in illegal drugs, so as to define cannabis and to provide further for the exclusion of the Controlled Substances Therapeutic Research Act from the provisions of such section.

Committee on Judiciary.

By Mr. Gulledge:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Committee on Banking and Insurance.

By Mr. Gulledge (with notice and proof):

S. 216. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 216, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Keener and deGraffenried:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

Committee on Judiciary.

By Mr. Mitchem:

S. 218. To amend Section 36-7-21, providing for out-of-state travel for State employees; to allow the Commissioner of Agriculture and Industries to approve out-of-state travel requests of persons representing the State Department of Agriculture and Industries.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Figures and Kirkland:

S. 219. To be known as "The Alabama Limited Partnership Act of 1982" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership; amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Committee on Judiciary.

By Mr. Kirkland:

S. 220. To amend further section 36-25-1, Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Committee on Judiciary.

By Mr. Parsons:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Keener and deGraffenried:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

Committee on Judiciary.

By Mr. Little:

S. 223. To amend further section 40-18-15 of the Code of Alabama 1975 relating to deductions from state income taxation, so as to provide deduction for contributions to certain retirement plans.

Committee on Finance and Taxation.

By Mr. Barron:

S. 224. To amend Sections 6-5-480 through 6-5-487, Code of Alabama 1975, which provides for the Alabama Medical Liability Act, so as to include licensed attorneys within the purview of the Act.

Committee on Judiciary.

By Mr. Barron:

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Pearson:

S. 227. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 228. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 229. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 230. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 231. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Mr. White:

S. 232. To amend Section 40-17-72 of the Code of Alabama of 1975, as amended, relating to the distribution of the State Gasoline Tax so as to add the county allocation of the 4¢ per gallon gasoline tax allocated in Section 40-17-223(2)a. and b., Code of Alabama, 1975, to the county allocation of the 7¢ per gallon gasoline tax allocated in Section 40-17-73(a) to calculate the base annual county distribution.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Barron:

S. 233. To provide that alimony and separate maintenance payments made to a spouse shall be included as gross income for state income tax purposes and that said payments shall be deductible for said purposes by the spouse making them.

Committee on Finance and Taxation.

By Mr. Martin:

S. 234. To amend the title and section 1 of Act No. 79-611 H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Committee on Finance and Taxation.

By Mr. Figures (with notice and proof):

S. 235. Relating to the city of Chickasaw; providing, after notice is given, for the removal or demolition of buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body upon request; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 235, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTIONS

Mr. McDonaid offered the following Senate Resolution, to-wit:

S. R. 8. BE IT RESOLVED BY THE Senate of the State of Alabama that the State Budget Officer and two additional staff members may be granted floor privileges at such time as the Senate is involved in deliberation of appropriation measures at the specific request of the Chairman of the Committee on Finance and Taxation.

Which was read and referred to the Standing Committee on Rules.

MOTION TO REFER

Mr. St. John moved that all House Joint Resolutions received today be referred to the Standing Committee on Rules, which motion was adopted.

RESOLUTIONS

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. HONORING MRS. MARVA DELOISE NETTLES COLLINS, NATIONALLY PROMINENT EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

WHEREAS, it is in deep personal pride that the Legislature of Alabama today honors a native Alabamian who has achieved national prominence in the field of education, and whose achievements bear witness to her dedication of purpose; and

WHEREAS, Mrs. Marva Deloise Nettles Collins, a native of Monroeville, Alabama, is the recipient of a B.A. Degree from Clark College in Atlanta, Georgia, and is a graduate of Chicago Teacher's College; she also has studied on the post graduate level at Columbia College and holds honorary degrees bestowed by Howard and Wilberforce Universities; and

WHEREAS, Mrs. Collins first taught in the public schools of her native Monroeville, from 1957 until 1959, and for 14 years, in the Chicago public schools; and

WHEREAS, in 1975, she founded the now-famous Westside Preparatory School in her own home and has since become known as a pioneer educator whose teaching concept is unique in its fruitful combination of discipline tempered with inspiration, patience and praise, and of emphasis on the basics of education as a firm foundation of knowledge; and

WHEREAS, as a result of her success, Mrs. Collins has appeared on the Phil Donahue Show and Good Morning America, and her story has been told on a segment of 60 minutes as well as in newspapers and magazines throughout the United States; most recently, her educational triumphs were heralded on national television through "The Marva Collins Story"; and

WHEREAS, her other honors and tributes included the Watson Washburn Award for Excellence, a United Negro College Fund Award and Educator of the Year among numerous others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Marva Deloise Nettles Collins, and express our warm and deep personal pride in the outstanding accomplishments of a native Alabamian.

BE IT FURTHER RESOLVED, That Mrs. Collins receive a copy of this resolution that she and her family may be aware of our sincere praise and utmost regard.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE OF AUBURN UNIVERSITY, ALABAMA RIVER WOODLANDS, INCORPORATED, AND THE MONROE COUNTY COMMISSION.

WHEREAS, the proper use and development of the forest resources of Alabama must be of primary concern to us all if our state and its citizens are to realize the full potential of our forest lands; and

WHEREAS, the quantity and quality of our forest resources, however, are in some areas under-managed and are producing less than full potential, a fact recognized and a problem responsibly responded to by the Alabama Cooperative Extension Service of Auburn University and Alabama River Woodlands, Incorporated; and

WHEREAS, as a direct result of recommendations made by the Legislative Forestry Study Committee, a new position of Assistant County Agent-Area Forester has been established to serve Monroe, Wilcox, Clarke and Conecuh Counties, headquartered in the City of Monroeville in office space in the Monroe County Courthouse provided by the Monroe County Commission; and

WHEREAS, a substantial grant has been made available for this new position by Alabama River Woodlands to the Alabama Cooperative Extension Service which is to supervise, support and administer the office within its present program; and

WHEREAS, thus, in common goal of progress and through cooperative positive action, ARW, ACES and the Monroe County Commission have made the recommendation of the Legislative Forestry Committee a reality, and a first step has been taken toward full potential forest resource development in this four-county area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and express gratitude to the Alabama Cooperative Extension Service, Alabama River Woodlands and the Monroe County Commission, for whom copies of this resolution shall be provided.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland then offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. COMMENDING THE AMERICAN TREE FARM SYSTEM FOR ITS EFFORTS TO PROMOTE FORESTRY AND PETITIONING THE AMERICAN FOREST INSTITUTE TO HOLD ITS GOLDEN ANNIVERSARY TREE FARM CELEBRATION ON AN ALABAMA TREE FARM IN 1991.

WHEREAS, the American Tree Farm System administered by the American Forest Institute has done much to pioneer modern forestry; and

WHEREAS, in the South the American Tree Farm System began in Alabama; and

WHEREAS, the South has emerged as the leading Tree Farm region of our nation; and

WHEREAS, the Forest Products Industry has become the leading industry in Alabama; and

WHEREAS, Tree Farming has become a way of life for more than 2,000 Alabama Tree Farm owners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the American Forest Institute for its foresight in promoting the American Tree Farm

System and petition the American Forest Institute to hold its Golden Anniversary Tree Farm Celebration on an Alabama Tree Farm in 1991.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hilton Watson of the Alabama Forestry Association, Bill Moody of the Alabama Forestry Commission, Jim Montgomery of the Southern Forest Institute, and Rich Lewis of the American Tree Farm System, to provide leadership in the planning of this celebration.

Which was read and referred to the Standing Committee on Rules.

Mr. Martin offered the following Senate Resolution, to-wit:

S. R. 12. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 36.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Martin:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

Which was read and referred to the Standing Committee on Rules.

Mr. Martin then offered the following Senate Resolution, to-wit:

S. R. 13. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 37.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Martin:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Which was read and referred to the Standing Committee on Rules.

Mr. Martin then offered the following Senate Resolution, to-wit:

S. R. 14. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 38.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Martin:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 8. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT WHEN THE TWO HOUSES ADJOURN TODAY, THEY ADJOURN TO MEET AGAIN ON THURSDAY, JANUARY 14, 1982, AND WHEN THEY ADJOURN ON THURSDAY, JANUARY 14, 1982, THEY ADJOURN TO MEET AGAIN ON TUESDAY, JANUARY 19, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 24. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Tuesday, January 19, 1982, we adjourn to meet again on Thursday, January 21; when we adjourn on Thursday, January 21, we adjourn to meet again on Tuesday, January 26; when we adjourn on Tuesday, January 26, we adjourn to meet again on Thursday, January 28; and when we adjourn on Thursday, January 28, we adjourn to meet again on Tuesday, February 2, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

H. J. R. 11. COMMENDING THE GREATER SAINT PAUL A.M.E. CHURCH OF FLORENCE, ALABAMA, AND ITS PASTOR, THE REVEREND PERCY W. JONES.

Also:

By Rep. Starkey:

H. J. R. 12. COMMENDING THE UNDERWOOD-PETERSVILLE VOLUNTEER FIRE DEPARTMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 11 and 12, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Langford, Holley, Brakefield, Carter, Cates, Clark (W), Daniels, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Harvey, Horn, Laird, Mitchell, Olive, Parker, Payne, Rains, Sasser, Smith (J), Venable, Warren, and Wyatt:

H. J. R. 27. MOURNING THE DEATH OF MONTGOMERY POLICE OFFICER MARY PEARL McCORD.

Also:

By Rep. Holmes:

H. J. R. 28. COMMENDING MR. SAVAGE J. WHISENHUNT, SR., RETIRED ALABAMA EDUCATOR.

Also:

By Rep. Minus:

H. J. R. 30. COMMENDING MASTER SERGEANT JAMES HARRY LEITCH OF LIVINGSTON, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 27, 28, and 30, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 31. DIRECTING ALL ELECTED COUNTY OFFICIALS IN JEFFERSON COUNTY TO TAKE CERTAIN ACTION TO FORTHWITH ALLEVIATE THE ECONOMIC PLIGHT OF THEIR COUNTY PUBLIC EMPLOYEES.

WHEREAS, it has come to the attention of the Alabama Legislature that pay increase requests by elected officials in Jefferson County create a constant flow of legislation in Montgomery; and

WHEREAS, the frequency of such requests by some of the said elected officials have become almost "a way of life"; and

WHEREAS, it further has come to the attention of the members of the Alabama Legislature that county public employees have not had the enjoyment of salary increases and cost-of-living increases to alleviate their economic plight as frequently as the requests by the said county elected officials; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct all elected county officials in Jefferson County to forthwith devote as much attention to alleviate and relieve the economic situation and plight that their employees are experiencing as such county officials request and expect the members of the Alabama Legislature from Jefferson County to devote in order to relieve the same conditions for themselves.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to each county elected official in Jefferson County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, Venable, and McKee:

H. J. R. 25. COMMENDING "SOUTHWIND DRUM AND BUGLE CORPS" IN THEIR SECOND YEAR OF OPERATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 25, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 15. COMMENDING MR. JAMES L. MYSINGER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 15, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Smith (J.):

H. J. R. 17. COMMENDING MR. J. ED HORTON ON HIS RECENT INDUCTION AS A CHARTER MEMBER OF THE ALABAMA LIVESTOCK HALL OF FAME.

Also:

By Rep. Smith (J):

H. J. R. 18. COMMENDING MR. CHARLES EDWIN SHAVER OF HUNTSVILLE, ALABAMA, DISTINGUISHED CITIZEN OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 17 and 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C) and Moore:

H. J. R. 7. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS' VOLLEYBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 7, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bowling, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby:

H. J. R. 6. REGRETTING THE ILLNESS OF MR. JOHN SPARKS OF CULLMAN, ALABAMA, AND WISHING HIM A SPEEDY RECOVERY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 6, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (O), Turnham, and Dial:

H. J. R. 9. CONGRATULATING DADEVILLE HIGH SCHOOL ON ITS 1981 DIVISION AND STATE 2A FOOTBALL CHAMPIONSHIPS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (T), Grouby and McMillan:

H. J. R. 33. DESIGNATING THE PECAN AS THE OFFICIAL STATE NUT OF ALABAMA.

WHEREAS, the love of Alabamians for their state is greatly enhanced by the traditions they hold close to their hearts; and

WHEREAS, one of the longest established customs existing in the South is the culinary delights of tasting a secretly prepared praline or a freshly baked pecan pie; and

WHEREAS, The New Columbia Encyclopedia describes the pecan as "one of the most important nut trees of the United States"; and

WHEREAS, The redolent and ambrosial aroma of roasting pecans involuntarily causes one's papillae and lachrymal glands to salivate; and

WHEREAS, It is manifestly important that the Legislature of Alabama no longer shirks its duty to pay tribute to this native saporific fruit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the pecan as official state nut of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 33, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 10. ENLARGING THE SCOPE OF THE INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES AS CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND EXTENDED BY ACT NO. 79-752, H. J. R. 250 OF THE 1979 REGULAR SESSION, SO AS TO STUDY VARIOUS PROBLEM AREAS AND ISSUES OF THE RETIREMENT SYSTEMS OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the scope of the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues, as created by Act No. 1178, H. J. R. 430, of the 1975 Regular Session and extended by Act No. 79-752, H. J. R. 250, of the 1979 Regular Session, is hereby enlarged so that said committee shall investigate and make a report on the feasibility of allowing the Retirement Systems of Alabama to set Individual Retirement Accounts for public employees, the various supernumerary retirement programs not under the Retirement Systems of Alabama, the unit problem of the \$600,000.00 clerks' and registers' fund under Act No. 81-684, S. 41, 1981 Regular Session, and any other problems and issues of the Retirement Systems of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 16. CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

WHEREAS, the Legislature of Alabama, on May 7, 1980, passed Act No. 80-381, S. 318, 1980 Regular Session, which established the Alabama Human Resources Board; and

WHEREAS, the legislative intent of this Act was to utilize all available manpower in the state; and

WHEREAS, when the Act was passed, the Department of Health and Human Services ruled that it was contrary to existing federal law; and

WHEREAS, in 1981, the U.S. Congress passed the Omnibus Reconciliation Act, P. L. 97-35, which so altered federal statutes that Act No. 80-381 is no longer inconsistent with them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint

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Interim Oversight Committee of the Legislature to monitor the implementation of Act No. 80-381, S. 318, 1980 Regular Session. The committee shall be composed of three members of the House and three members of the Senate, to be appointed by the presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$7,000.00.

This Committee shall be dissolved at the end of this Legislative term, on or about October 31, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bowling and Brakefield (with notice and proof):

H. 49. Relating to Winston County; providing further for additional costs and charges in any court in any criminal proceeding, whether in municipal, district or circuit court; prescribing that the net revenues thereby collected be deposited in the Sheriff's Fund for law enforcement purposes in the county; providing for a referendum by the qualified voters of Winston County at an election called for the purpose of approving or disapproving such additional costs or charges; and providing that the provisions of this act shall become null and void unless a constitutional amendment relating to Winston County and court costs and charges is ratified.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 49, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Brakefield and Bowling (with notice and proof):

H. 53. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes,

under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps Brakefield and Bowling:

H. 54. To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the abolition of the offices of tax assessor and tax collector of such county.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 172. Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; to repeal certain conflicting laws; and to provide for the funding of said jail.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 172, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bowling and Brakefield (with notice and proof):

H. 46. To change the method of compensating the probate judge of Winston County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 46, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lewis (with notice and proof):

H. 11. Relating to Jefferson County; fixing the salary of the deputy probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 11, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bowling and Brakefield:

H. 47. Proposing an amendment to the Constitution of Alabama relating to the compensation of the probate judge of Winston County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 49, 53, 54, 172, 46, and 47. To the Committee on Local Legislation No. 1.

H. B. 11. To the Committee on Local Legislation No. 2.

(The above numbered Bills 54 and 47, were read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bowling and Brakefield:

H. 48. Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

Also:

By Rep. Waggoner (with notice and proof):

H. 31. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 31, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Coburn:

H. 5. To amend Section 40-9-40 and Section 40-9-43, Code of Alabama 1975, relating to ten year exemptions to new industries from county and municipal ad valorem taxes except for any schools and school district purposes, and from state ad valorem taxes, so as to authorize the same exemption

to existing industries purchased and operated by employees as an alternative to plant closure and loss of employment and livelihood.

Also:

By Reps. Turnham and Sasser:

H. 28. To amend Section 29-1-9, Code of Alabama 1975, relating to compensation of legislative interim committees, so as to remove the one-time mileage restriction.

Also:

By Rep. Payne (with notice and proof):

H. 97. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 97, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 48. To the Committee on Local Legislation No. 1.

H. B.'s 31 and 97. To the Committee on Local Legislation No. 2.

H. B.'s 5 and 28. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 48, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Daniels and Ray:

H. 171. To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements, and to permit said counties to erect a jail.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 171. To the Committee on Governmental Affairs.

REPORT OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (with notice and proof):

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 98. To amend Section 11-10-6, Code of Alabama 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

By Mr. Bailey:

S. 101. Relating to surplus line insurance and unauthorized insurers and surplus lines, further providing therefor; amending Sections 27-10-1 and 27-10-20 of the Code of Alabama 1975, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; amending Section 27-10-24 of the Code of Alabama 1975, so as to provide further for bond liability sum requirements of surplus line brokers; amending Section 27-10-26 of the Code of Alabama 1975, so as to provide further for eligibility requirements of certain non-licensed insurers for the placement of surplus line insurance and minimum trust fund requirements; and to amend Section 27-10-35 of the Code of Alabama 1975, relating to certain exclusions from reporting and tax on certain coverages so as to provide further therefor.

By Mr. Bailey:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

By Mr. Bailey:

S. 103. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 104. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 100. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. St. John, the Senate adjourned until Thursday, January 21, 1982, at 11 o'clock A.M.

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 21, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Wayne B. Jones, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	St. John
Callahan	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Teague
deGraffenried	Hilliard	Miller	Vacca
Figures	Holmes	Mitchem	Weeks
Glass	Keener	Parsons	White

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Britnell, Denton, Pearson, and Smith for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 237. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Educational Trust Fund and to specifically repeal certain conflicting statutes.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 238. To amend Sections 2, 7, 8, 23, 48, 62, 73, 93, 104, 106, 114, 121, 134, 139, 162, 163, 169, 186 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act".

Committee on Judiciary.

By Mr. Kirkland:

S. 239. To provide a procedure for hearings by the court prior to release from custody and subsequent hearings on competency when examinations have been completed to determine the defendant's competency.

Committee on Judiciary.

By Mr. Kirkland:

S. 240. To require the superintendents of Alabama's state mental hospitals to accept and to commence evaluation of any individual ordered to undergo an examination into their mental condition by a circuit court having jurisdiction of the individual in question.

Committee on Judiciary.

By Mr. Kirkland:

S. 241. To amend Section 15-19-1 of the Code of Alabama 1975, to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Mr. Higginbotham:

S. 242. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with

policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

Committee on Education.

By Mr. Higginbotham:

S. 243. To require boards of education to defend certain school officials in cases where civil action is brought against them for acts committed in the performance of their duties.

Committee on Education.

By Messrs. Little and Higginbotham:

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Finance and Taxation.

By Messrs. Little and Higginbotham:

S. 245. To prohibit any municipality from annexing by condemnation or other process any waterworks system or any part thereof operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the unanimous agreement of the members of said corporation or association.

Committee on Governmental Affairs.

By Messrs. Little and Figures:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

Committee on Business and Labor Relations.

By Mr. Hilliard:

S. 247. To confer upon governing bodies of counties in which public transit service is provided the power to levy and collect a county sales tax, or a county license tax, or to levy and collect both of said taxes, subject to the condition that any tax levied under the act shall be used solely for the purpose of providing public transit service within the county and to the other limitations and conditions enumerated in the act, to limit the rates of such taxes, and to provide an exemption from any tax levied hereunder within areas not receiving transit service and within any municipality which levies, collects, and pays over to any public transit operating body organized under the laws of Alabama the proceeds of a tax, or taxes, similar to that levied by the county which is identical as to rate and incidence of taxation.

Committee on Finance and Taxation.

By Mr. White:

S. 248. To amend Section 16-24-5, Code of Alabama 1975, relating to the transfer of a teacher on continuing service status, so as to provide further for any such transfer.

Committee on Education.

By Messrs. Teague and Goodwin:

S. 249. To re-open the State of Alabama Retirement Systems for certain membership service and certain military service; to provide that as a prerequisite to obtaining such credit, such members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Committee on Finance and Taxation.

By Mr. Martin:

S. 250. To amend Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by postsecondary state institutions shall be exempt from taxation under the levy provided for in Section 40-17-220, Code of Alabama, 1975.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 251. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 252. To provide for prohibition of the possession, concealment, manufacture, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

Committee on Judiciary.

By Mr. Barron:

S. 253. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or thereby decreases county revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

Committee on Governmental Affairs.

By Mr. White:

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations;

to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 7, 11 and 32, Title 13, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Committee on Health and Welfare.

By Mr. Mitchem (with notice and proof):

S. 255. Relating to Etowah County, to provide that the County Board of Education shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow: to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any time in the future, vote to prohibit legal sale of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 255, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem:

S. 256. To create the position of Advertising and Sales Promotion Manager, in the Division of Parks of the Department of Conservation and Natural Resources, to provide for the functions, duties, and responsibilities of this position, and to establish a salary range for this position.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mitchem:

S. 257. To create the position of Merchandise Manager in the Division of Parks of the Department of Conservation and Natural Resources, to provide for the functions, duties, and responsibilities of this position, and to establish a salary range for this position.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mitchem:

S. 258. To provide for the appointment of the Director of the Parks Division of the Department of Conservation and Natural Resources, and for the establishment of his term of office and salary; to provide for the Director's powers and duties, and to provide for the Director's removal.

Committee on Commerce, Transportation,
and Utilities.

By Mr. McDonald:

S. 259. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

Committee on Governmental Affairs.

By Mr. White:

S. 260. To provide that the Commissioner of the Alabama Department of Corrections shall create and implement an administrative procedure in which inmates can redress grievances against officials, officers and agents of the Alabama Department of Corrections and other related state officials stemming from their incarcerated status.

Committee on Judiciary.

By Mr. Bailey:

S. 261. To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Gullledge:

S. 262. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer, so as to allow additional bonded employees to open the safe.

Committee on Governmental Affairs.

By Messrs. Proctor and Teague:

S. 263. To amend Sections 16-8-26, Code of Alabama, 1975 so as to include support personnel under the personal leave law; to provide that the

section shall apply to Alabama Institute for Deaf and Blind and Department of Youth Services; to remove the noncumulative provision of the law.

Committee on Education.

By Mr. deGraffenried:

S. 264. To amend Section 32-5-17, Code of Alabama 1975, relating to the use of spotlights on roads at night, so as to alter the hours and the type of roads to which said section applies.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 265. To amend Section 9-11-252, Code of Alabama 1975, relating to the penalties for the violation of sections 9-11-250 (taking deer from public waters) or 9-11-251 (taking deer at night), so as to increase and amend penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of public roads, so as to increase penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 267. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to increase and amend certain penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 268. To prohibit any person from hunting while under the influence of alcohol or any other drug.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 269. To amend Section 9-11-241, Code of Alabama (1975), relating to daytime hunting on the lands of another, so as to increase certain penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Mr deGraffenried:

S. 270. To amend Section 9-11-242, Code of Alabama (1975), relating to nighttime hunting on the lands of another, so as to increase penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Bailey, Holmes, and Hall:

S. 271. To amend Section 28-2-1, Code of Alabama 1975, relating to the procedure for elections to determine classification of counties as wet or dry counties, so as to provide further for the petition calling for an election to change classification.

Committee on Governmental Affairs.

By Mr. Parsons (with notice and proof):

S. 272. Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain semiretired or retired district judges in the 10th Judicial Circuit.

Committee on Local Legislation No. 2.

I hereby certify that the Notice and Proof is attached to the Bill. S. B. 272, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 54. CORDIALLY INVITING THE KOREAN SINGING AMBASSADORS OF SEOUL, SOUTH KOREA, TO APPEAR IN CONCERT BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE, AND CALLING FOR SAID JOINT SESSION TO BE HELD ON JANUARY 26, 1982.

WHEREAS, The Korean Singing Ambassadors of Seoul, South Korea, are a group of ten very lovely and talented young ladies, 17 and 18 years of age; and

WHEREAS, the group currently is on tour in our country, appearing in several of the various states and are principally escorted by the very notable Korean Evangelist, Dr. Billy Kim; and

WHEREAS, The Korean Singing Ambassadors were invited to include the State of Alabama on their tour by Governor and Mrs. Fob James who were privileged to enjoy a performance by the group during their recent visit to the Far East, and they will be guests of Governor and Mrs. James during their visit to our State; and

WHEREAS, the Alabama Legislature would be privileged to also enjoy a concert by the gifted young singers from the capital city of South Korea while they are serving as true ambassadors to our capital city of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby cordially invite The Korean Singing Ambassadors to appear in concert before a joint session of the Legislature and, in hopeful anticipation of an acceptance, we further call for said session to be held on January 26, 1982, at a time to be set by the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 54, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Reed, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 53. MOURNING THE DEATHS OF AIR FORCE CAPTAINS JOSEPH PETERSON AND WILLIE MAYS, AND THEIR THUNDERBIRDS TEAMMATES, MAJOR NORMAN L. LOWRY, III, AND CAPTAIN MARK E. MELACON.

Also:

By Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 55. COMMENDING THE UNION LEADERSHIP AND THE MEMBERS OF THE UNITED AUTOMOBILE WORKERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 53. and 55., set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. COMMENDING COACH DANNY FORD OF CLEMSON UNIVERSITY, NATIONAL U.P.I. AND EASTMAN KODAK "FOOTBALL COACH OF THE YEAR."

WHEREAS, Clemson University's Coach Danny Ford is a native of Gadsden, Alabama, and a graduate of Gadsden High School and of the University of Alabama; and

WHEREAS, a member of his high school's varsity football squad, Mr. Ford also played for the Crimson Tide under Coach Paul Bryant and was a member of the 1969 All-Southeastern Conference Team; and

WHEREAS, following graduation from the University, Danny Ford remained at his alma mater for two years as an assistant to Coach Bryant; he then served for three years as offensive coordinator at Virginia Tech before accepting a position as assistant coach at Clemson University; and

WHEREAS, he was named head coach at Clemson some three years ago and has taken his Tigers to a post-season bowl game every year—to the Gator Bowl with an 8-4 record in 1979, to the Peach Bowl and a 6-5 record in 1980 and to the Orange Bowl, of course, with a final 12-0 record and the National Football Championship for 1981; and

WHEREAS, as a result of his outstanding accomplishment, Coach Danny Ford has been named National Football Coach of the Year for 1981 by U.P.I. and by Eastman Kodak as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Alabama native Danny Ford, the 1981 U.P.I. and Eastman Kodak Football Coach of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ford that he and his wife, Deborah, and their three young daughters may know of our warm personal pride, our sincere praise and utmost regard.

Which was read and referred to the Standing Committee on Rules.

Messrs. Little and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. HONORING MR. LENNY SKUTNIK AS A MAN OF NOBLE COURAGE AND DEEDS.

WHEREAS, in the aftermath of horror following the January 13 crash of an Air Florida Jet in Washington, D. C., Mr. Lenny Skutnik of Lorton, Virginia, responded with uncommon courage to rescue a woman struggling for her life in the icy and treacherous waters of the Potomac; and

WHEREAS, Mr. Skutnik, with no thought of his own safety and in instant response to a life-threatening situation, plunged into the frigid water and pulled the drowning victim to the safety of shore; and

WHEREAS, now an employee of the Congressional Budget Office in Washington, Mr. Skutnik is a former resident of the State of Alabama, having resided in Montgomery during his father's tour of duty as a United States Air Force officer; and

WHEREAS, Mr. Skutnik is indeed deserving of universal praise and gratitude as an example of fearless and unselfish courage and as a hero to a nation which hungers for distinction and valor in a world beset with apathy and unconcern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mr. Lenny Skutnik of Lorton, Virginia, as a man of rare courage and as a former Alabamian in whom we feel great personal pride.

BE IT FURTHER RESOLVED, That Mr. Skutnik receive a copy of this resolution, tendered in commendation and praise and in sincere appreciation of his outstanding courage.

Which was read and referred to the Standing Committee on Rules.

Messrs. Little, Callahan, Glass, Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. MOURNING THE TRAGIC AND UNTIMELY DEATH OF COLONEL EDWARD R. COBB OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the tragic and untimely death of United States Air Force Colonel Edward R. Cobb of Mobile, Alabama, on January 13, 1982; and

WHEREAS, Colonel Cobb's life was cut short as a result of a national tragedy when an Air Florida jet crashed in Washington, D. C., claiming the lives of 78 persons; and

WHEREAS, Colonel Cobb, who was assigned to McDill Air Force Base, Tampa, Florida, was a 1958 graduate of Auburn University and had served as president of the University's Student Government Association in 1956-57; and

WHEREAS, serving in the Air Force since 1968, Colonel Cobb, at the time of his death, was attached to the Rapid Deployment Joint Task Force and was in charge of communications electronics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Colonel Edward R. Cobb and extend our most heartfelt sympathy to his family to whom copies of this resolution shall be sent in expression of our deeply shared sorrow in their great loss.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Foreign Trade and Relation Commission.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 21st day of January, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. J. Byard Swift (replaced Jerome Drummond, resigned), Swift Lumber, Inc., Swifts' Mill, Atmore, Alabama 36502. Term expires August 23, 1986.

as a member of the Foreign Trade and Relation Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 21st day of January, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade and Relations Commission was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Polygraph Examiners Board.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 21st day of January, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Michael Huey Capps (reappointment), 2200 Highway 80 East, P.O. Box 903, Selma, Alabama 36701. Term expires January 14, 1986.

Sergeant Charles L. Ray (replaced John E. Pappis), 3027 Summit Ridge Drive, Adamsville, Alabama 35005. Term expires January 14, 1986.

as members of the Polygraph Examiners Board.

Respectfully,
FOB JAMES,
Governor.

Done this 21st day of January, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Polygraph Examiners Board were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the State Athletic Commission.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 21st day of January, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Mr. Bill Battle (new board), Disca Aluminum, P.O. Box 1019, Selma, Alabama 36701. Term expires May 24, 1984.

Mr. Herbert Hannah (new board), 600 Sunset Avenue, Albertville, Alabama 35950. Term expires May 24, 1984.

Mr. Billy Hitchcock (new board), Collinswood Drive, Opelika, Alabama 36801. Term expires May 24, 1984.

Mr. Dan McCoy, (new board) 206 Eustis Avenue, Huntsville, Alabama 35801. Term expires May 24, 1982.

Mr. Bob Scarbrough (new board), Jim Wilson & Associates, P.O. Box 4480, Montgomery, Alabama 36195. Term expires May 24, 1982.

Mr. Fred Sington (new board), 2017 5th Avenue, North, Birmingham, Alabama 35203. Term expires May 24, 1984.

Mr. Bob Williams, (new board) Terminex, P.O. Box 16667, Mobile, Alabama 36616. Term expires May 24, 1982.

as members of the State Athletic Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 21st day of January, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Athletic Commission were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to reappointments to the State Forestry Commission.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 21st day of January, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Scott Langley (reappointment), Route 1, Camp Hill, Alabama 36850.
Term expires November 5, 1986.

Mr. Kelley Sistrunk (reappointment), Society Hill Road, Tuskegee, Alabama 36083. Term expires November 5, 1986.

as members of the State Forestry Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 21st day of January, 1982

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Forestry Commission were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Goodwin offered the following Senate Resolution, to-wit:

S. R. 18. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 41.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 19. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 166.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Kirkland (with notice and proof):

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

Which was read and referred to the Standing Committee on Rules.

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 20. REQUESTING AN ADVISORY OPINION RELATIVE TO PENDING S. R. 18 OF THE 1982 REGULAR SESSION, RELATIVE TO THE LEGISLATIVE PROCESS AND BUDGETARY PROCEDURE.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important Constitutional questions which have arisen concerning the constitutional requirements of pending S. R. 18, relating to the proper legislative and constitutional procedure governing the legislative action on Senate Bill 41. As set out in Act No.

81-953 of the First Special Session in 1981, pending S. R. 18 of the 1982 Regular Session provides that subsection (C) of Section 1 of Act No. 81-953 of the 1981 First Special Session referred to above shall not be applicable to S. B. 41; copies of said resolution and said Act are attached hereto and made a part of this resolution by reference.

1. Subsection (C) of said Act No. 81-953, H. 38, of the 1981 First Special Session, provides in pertinent part:

"... provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of the members elected to that house, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein."

Pending S. R. 18 of the 1982 Regular Session provides that S. B. 41 shall not be subject to the provisions of subsection (C) of Section 1 of Act No. 81-953, H. 38 of the First Special Session, 1981.

(a) Is the voting requirement in Subsection (C) in violation of Section 63 of the Constitution which requires a vote by only the majority?

(b) Is the voting requirement in Subsection (C) in violation of Section 64 of the Constitution which requires a vote by only the majority?

(c) Is the Subsection (C) prohibitive of signing bills in violation of Section 66 of the Constitution?

(d) May the provisions of Act No. 81-953 passed during the First Special Session of 1981 be suspended by resolution of the Regular Session of the Legislature in 1982?

(e) If question (d) is answered in the affirmative, then may Senate Bill 41 proceed to final passage in both houses and be transmitted to the Governor?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of pending Senate Resolution with attachments to the Clerk of the Supreme Court of Alabama and transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

S. R. 18. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION I, ACT NO. 81-953, INAPPLICABLE TO S. B. 41.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under

the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

A BILL
TO BE ENTITLED
AN ACT

To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

(a) Because of the need for additional health care services for families, especially in rural areas, considerable emphasis has been placed on the establishment of residency programs in family practice medicine, both in Alabama and nationally. In response to that need, a number of family practice residency programs affiliated with the University have been located in various areas of the state, including the city of Selma-Dallas County, with the assistance of funds appropriated by the Legislature.

(b) The establishment and operation of these programs represent a joint effort by the communities in which they are located; by the University, which

has provided the professional medical leadership, including backup support for medical specialists to assure quality educational programs for the residents; and by the Legislature, which has provided, through the University, a portion of the funds needed for these programs.

(c) In responding to the health care needs of the State of Alabama, and specifically of the Selma-Dallas County area, beginning in 1975, the Legislature appropriated to The Board of Trustees of the University of Alabama funds for both the construction and operation of a facility in the city of Selma for the training of residents and the treatment of patients incident thereto.

(d) Upon the establishment of the family practice program in Selma-Dallas County, the Selma-Dallas County Family Practice Center, Inc. was incorporated on November 12, 1975, as a nonprofit corporation under the provisions of what was then Title 10, Chapter 10, Code of Alabama of 1940 (Recompiled 1958) (currently Title 10, Chapter 3, Code of Alabama of 1975) to manage the fiscal operations of the program. The Articles of Incorporation provide that, upon termination, all funds and assets of the corporation, after deducting the expenses of dissolution and liquidation, shall be paid to The Board of Trustees of the University of Alabama. The family practice residency program in Selma-Dallas County is presently operated under an affiliation agreement between the Selma-Dallas County Family Practice Center, Inc., and The Board of Trustees of the University of Alabama.

(e) On November 23, 1981, the governing body of the city of Selma, Alabama approved and ratified the incorporation of the Selma-Dallas County Family Practice Center, Inc., so that said corporation is a public corporation within the meaning of Paragraph (8), Section 11-81A-1, Code of Alabama of 1975.

(f) Legal title to a portion of the real property on which the Family Practice Center is presently located was acquired in the name of the Selma-Dallas County Family Practice Center, Inc., and the remainder was acquired in the name of The Board of Trustees of the University of Alabama. The funds for the acquisition of that property and the facilities constructed thereon came totally from revenues from the care and treatment of patients in the Center and from appropriations from the Legislature to The Board of Trustees of the University of Alabama specifically for the Selma family practice residency program.

(g) In order to consolidate full and complete financial responsibility for the program within the city of Selma and Dallas County, on March 10, 1980 the Executive Committee of The Board of Trustees resolved that appropriate mechanisms should be developed to transfer to the Selma-Dallas County Family Practice Center, Inc., at no cost or a minimum cost, the real property, title to which is held in the name of the University. Subsequently, The Board of Trustees of the University adopted a resolution requesting that the Legislature authorize the Board to convey title to that property (which is described below), without further or additional consideration, to the Selma-Dallas County Family Practice Center, Inc.

(h) Funds utilized by the University in the acquisitions of that real property described below have come solely from revenues appropriated to the University and designated for the Selma family practice program and from fees and income received by the Selma-Dallas County Family Practice Center, Inc., from the care and treatment of patients in the family practice residency program so that no separate funds of the University and no other state appropriations have been utilized in the acquisition and improvement of the real property described below.

Section 2. Authority to Convey Property. The Board of Trustees of the University of Alabama is authorized to convey to the Selma-Dallas County Family Practice Center, Inc., without further or additional consideration, the following-described real property located in the city of Selma, Dallas County, Alabama, to wit:

Parcel One: Lot 35 and the north half of Lot 36, of Block 51, of the City of Selma, Alabama, as shown by map thereof in the Office of the Tax Assessor of Dallas County, Alabama, and also being shown on page 22 of the Map Book of the City of Selma, Alabama prepared by Mrs. D. C. Russell, which said lots are more particularly described as follows, to wit: Begin at the southwest intersection of Lauderdale Street and Abbott Avenue and run southwardly along the west margin of Lauderdale Street for 114 feet 10 inches to an iron pipe; thence run westwardly and parallel to Abbott Avenue for 120 feet; thence run northwardly and parallel to Lauderdale Street for 114 feet 10 inches to the south margin of Abbott Avenue; thence run eastwardly along the south margin of Abbott Avenue for 120 feet to the point of beginning; being the same property conveyed by deed of Julian I. Howell, et als, to H.O.C. Realty Company, Inc., a corporation, dated January 21, 1964, and recorded in the Probate Office of Dallas County, Alabama in Book 556, at page 293.

Parcel Two: Lot 40 of Block 51, according to the present plan and map of Selma, Alabama, fronting sixty-five (65) feet, more or less, on the west side of Lauderdale Street and running back westwardly that uniform width 120 feet, and being the same lot of land formerly owned by Menzo Watson, deceased, as shown by deed dated September 28, 1885, from Hugh S. D. Mallory, as Trustee, to Menzo Watson, which deed is recorded in the Probate Office of Dallas County, Alabama, in Record Book 102, page 125.

Section 3. Repealer. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 4. Severability. If the provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 5. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 12:20 P.M., on motion of Mr. Goodwin, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 49. To be known as the Law of Interstate Succession and Wills, providing the substantive law to govern interstate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

By Mr. Cook:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

By Mr. deGraffenried:

S. 55. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller (With Amendment):

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 82. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insurer of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

By Mr. Higginbotham:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

By Messrs. deGraffenried, Barron and St. John:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

By Mr. Proctor:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code and the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons and Little (With Amendment):

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Mr. Martin, Vice-Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

By Mr. Gullledge:

S. 67. To amend Further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald, Mitchem, Harrison, Parsons, Little, Robertson, Holmes, Kirkland, Vacca, Teague, Keener, Hall, Britnell, Taylor, Cook, Denton, Martin, deGraffenried and Miller (With Amendment):

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

By Mr. Teague:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

By Mr. Mitchem:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedure for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

By Mr. Mitchem:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

By Mr. Gullledge:

S. 51. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

By Mr. Little:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White (with notice and proof):

S. 63. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

By Mr. White (with notice and proof):

S. 65. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 89. To further amend Section 4.06 (9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and how salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supercedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsely, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby:

H. J. R. 56. STRONGLY URGING THE ALABAMA DEPARTMENT OF CORRECTIONS TO REIMBURSE THE VARIOUS COUNTIES FOR THE HOUSING OF STATE PRISONERS AT THE SAME RATE AS RECOMPENSE TO THE FEDERAL BUREAU OF PRISONS.

WHEREAS, there are currently 119 state prisoners being housed by the Federal Bureau of Prisons in various federal facilities outside the State of Alabama, a number expected to increase to as many as 200 inmates as additional space becomes available; and

WHEREAS, in addition to costs incurred for transportation of these prisoners to federal facilities, the State Department of Corrections, through contract with the Federal Bureau of Prisons, is paying a daily average of \$34.24 per prisoner for meals and housing, with costs ranging from as little as \$29.05 to as much as \$42.65, dependent upon the facility being used; and

WHEREAS, by stark contrast, it is to be noted that the State of Alabama is paying the various counties of our state a ludicrous \$1.75 per state prisoner incarcerated in county facilities, a meager sum for meals only with no payment whatsoever for housing costs; and

WHEREAS, it is further to be noted that while the State Board of Corrections is paying the federal government a daily average of \$34.24 for a

prisoner that costs our state approximately \$28.00 a day to house, county officials are experiencing great difficulty in collecting \$1.75 per state inmate for meals alone; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge and request that the Alabama State Board of Corrections, in a move toward equity, reimburse the counties of our state at the same rate of recompense per state inmate that is now being paid to the Federal Bureau of Prisons; or that these 119 inmates be promptly removed from the federal prisons and returned to our state prison system.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched forthwith both to Commissioner Joe Hopper and to Governor Fob James.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 56, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps, Buskey, Clark (W), Kennedy, Turner, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 57. HONORING MR. HENRY "HANK" AARON UPON HIS INCLUSION IN THE BASEBALL HALL OF FAME.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 57, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 8. FLOOR PRIVILEGES GRANTED TO THE STATE BUDGET OFFICER AND TWO ADDITIONAL STAFF MEMBERS.

On motion of Mr. McDonald, said Resolution was then adopted by Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 7. DESIGNATING THE CITY OF SELMA AS THE BUTTERFLY CAPITAL OF ALABAMA.

On motion of Mr. Goodwin, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 9. HONORING MRS. MARVA DELOISE NETTLES COLLINS, NATIONALLY PROMINENT EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

Also:

S. J. R. 11. COMMENDING THE AMERICAN TREE FARM SYSTEM FOR ITS EFFORTS TO PROMOTE FORESTRY AND PETITIONING THE AMERICAN FOREST INSTITUTE TO HOLD ITS GOLDEN ANNIVERSARY TREE FARM CELEBRATION ON AN ALABAMA TREE FARM IN 1991.

Also:

S. J. R. 10. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE OF AUBURN UNIVERSITY, ALABAMA RIVER WOODLANDS, INCORPORATED, AND THE MONROE COUNTY COMMISSION.

On motion of Mr. McDonald, said Resolutions were then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 7. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS' VOLLEYBALL TEAM.

Also:

H. J. R. 17. COMMENDING MR. J. ED HORTON ON HIS RECENT INDUCTION AS A CHARTER MEMBER OF THE ALABAMA LIVESTOCK HALL OF FAME.

Also:

H. J. R. 18. COMMENDING MR. CHARLES EDWIN SHAVER OF HUNTSVILLE, ALABAMA, DISTINGUISHED CITIZEN OF THE YEAR.

Also:

H. J. R. 15. COMMENDING MR. JAMES L. MYSINGER.

Also:

H. J. R. 27. MOURNING THE DEATH OF MONTGOMERY POLICE OFFICER MARY PEARL McCORD.

Also:

H. J. R. 30. COMMENDING MASTER SERGEANT JAMES HARRY LEITCH OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 8. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 24. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 16. CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

Also:

H. J. R. 6. REGRETTING THE ILLNESS OF MR. JOHN SPARKS OF CULLMAN, ALABAMA, AND WISHING HIM A SPEEDY RECOVERY.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 33. DESIGNATING THE PECAN AS THE OFFICIAL STATE NUT OF ALABAMA.

On motion of Mr. White, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 9. CONGRATULATING DADEVILLE HIGH SCHOOL ON ITS 1981 DIVISION AND STATE 2A FOOTBALL CHAMPIONSHIPS.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. MOURNING THE DEATH OF MR. THOMAS DAMERON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND PHILANTHROPIST.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the death of Mr. Thomas Dameron Russell of Alexander City, Alabama, on January 18, 1982, at the age of 78 years; and

WHEREAS, a former Purchasing Agent and Vice President, President from 1945 to 1968 and, at the time of his death, Chairman of the Board of Russell Corporation, Mr. Russell was held in highest regard within the textile industry of our nation which he served in leadership on local, state and national levels; and

WHEREAS, Mr. Russell, who was a graduate of the University of Alabama, had also traveled extensively and worldwide; he was a learned man whose interests were manifold and as varied as his philanthropic works which included the provision of numerous college scholarships to his area's youth, funded through the Benjamin and Roberta Russell Foundation, substantial contributions to our state's institutions of higher learning, as well as financial and promotional support of the University of Alabama's Medical Center in Birmingham; and

WHEREAS, Mr. Russell's useful life always was one of concern for others, manifested in deeds of generosity to those less fortunate than he; his gifts were generous and quietly bestowed in keeping with his profound humility and unpretentious manner; and

WHEREAS, he was a Life Trustee of both Samford University and the University of Alabama, an Honorary Trustee of Tuskegee Institute and of the Carver Foundation and a Trustee of the Alabama Association of Independent Colleges, as well; and

WHEREAS, a retired Chairman of the Board of the First National Bank of Alexander City, Mr. Russell was also a past Director of the First National Bank of Montgomery and First Alabama Bancshares; he was three times President of the Alabama State Chamber of Commerce and was a Director, at his death, of this organization of which his father was a founder and first President; and

WHEREAS, his accolades, though unsought, were legion and included awards and honors for his service to humanity in general, for his support of research and education and for his leadership in business areas; he held an Honorary Degree of Doctor of Laws from the University of Alabama, was a member of the Alabama Academy of Honor and the Alabama Business Hall of Fame and with the election of Julia Walker Russell to the Academy of Honor in 1975, was distinguished with his wife as the first husband and wife to be so honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death and are bereft in the loss of Mr. Thomas Dameron Russell of Alexander City, Alabama, and extend our deepest, most heartfelt sympathy to his beloved wife of many years, Mrs. Julia Walker Russell, to their daughters, Mrs. Nancy Elizabeth Russell Gwaltney, Mrs. Ann Russell Caceres, and to other family members to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 19. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 166.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Bailey	Hall	McDonald	Robertson
Barron	Harrison	Miller	St. John
Callahan	Hilliard	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Goodwin	Kirkland		

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Nays: —0

BILLS ON THIRD READING

The Bill:

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Taylor
Barron	Hall	Miller	Teague
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Figures	Keener	Proctor	White
Glass	Kirkland		

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Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Cosby and Edwards:

H. 110. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 110. To the Committee on Health and Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues (with notice and proof):

H. 113. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; providing a penalty for willfully making a false statement in connection with re-identification; and repealing Act No. 81-226, H. 663, 1981 Regular Session, (Acts 1981, p. 302).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 113, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Smith (J), Coburn, Naramore, Turnham, Cosby and Mitchell:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds or thereby decreases county or municipal revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 113. To the Committee on Local Legislation No. 1.

H. B. 167. To the Committee on Governmental Affairs.

ADJOURNMENT

At 2 o'clock P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 26, 1982, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY

TUESDAY, JANUARY 26, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Howard Todd, Associate Minister, Lakewood Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Pearson for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

REGULAR SESSION
5th Day

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By Mr. Keener:

S. 273. To amend Sections 25 and 27 of Act No. 81-855, H. 7, Regular Session 1981 (Acts of Alabama 1981, p. 1534) to clarify the effective date and publication date of the Administrative Procedure Act.

Committee on Judiciary.

By Mr. Britnell:

S. 274. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the State Employees' Health Insurance Plan so as to extend eligibility for coverage to persons who are employed on a part-time basis by the State of Alabama and to provide for the payment of a pro rata portion of the premium costs by such employees.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Committee on Commerce, Transportation,
and Utilities.

By Mr. Parsons:

S. 277. To provide for the public health; to establish a state department of alcohol and drug abuse; to prescribe its functions, powers, and duties in relation to alcohol and drug abuse services and programs; to transfer the responsibility for providing alcoholism and drug abuse services from the Department of Mental Health to the Department of Alcohol and Drug Abuse; to recognize alcohol and drug addiction as diseases and persons suffering from such diseases as worthy of treatment; to promote the treatment of alcoholics, alcohol abusers, and drug abusers; to promote methods of early intervention with persons suffering from alcohol or drug abuse; to promote education of the public with respect to alcohol abuse, alcoholism, and drug abuse; and to make an annual appropriation for this purpose.

Committee on Finance and Taxation.

By Mr. Martin:

S. 278. To amend Section 37-27-11, Code of Alabama 1975, relating to determining creditable service and procedures for restoration of creditable service to certain persons in the employees' retirement system of Alabama, so as to reopen the system for certain persons who have reached age 65 and served in the legislature after a certain period and who have had certain prior creditable service.

Committee on Finance and Taxation.

By Mr. Parsons (with notice and proof):

S. 279. Relating to Jefferson County in regard to establishing the salary of the Deputy Probate Judge.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 279, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchem and St. John:

S. 280. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and St. John:

S. 281. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and St. John:

S. 282. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

Committee on Agriculture, Conservation,
and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. deGraffenried and White:

S. 283. To amend Sections 136 and 137 of the Alabama Business Corporations Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, page 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, as amended by Act No. 81-1073, H. 2, 1981 Second Special Session; and to amend Sections 40-14-21 and 40-14-22, Code of Alabama, 1975, so as to provide that information filed by corporations pursuant to Sections 40-14-21 and 40-14-22, Code of Alabama, 1975, shall constitute and be accepted in lieu of the requirement of filing annual reports under the sections referred to hereinabove and to prescribe the procedures

and method of transmission of the public record information contained in the annual reports to the secretary of state in a manner that is efficient so as to eliminate unnecessary duplication.

Committee on Judiciary.

By Messrs. Mitchem and St. John:

S. 284. To amend Sections 2-31-2 and 2-31-4, Code of Alabama 1975; to exempt all persons except those who receive grain for future pricing and purchasing; to require that every separate location be covered under bonding requirements.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 285. To amend Section 15-16-24 of the Code of Alabama 1975, so as to clarify the verdict form rendered when a jury finds that the defendant did the act charged as constituting the offense, but also finds that at the time of committing the act, the defendant was insane.

Committee on Judiciary.

By Mr. Martin:

S. 286. To exempt the Morgan County Council on Aging, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Denton:

S. 287. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

Committee on Judiciary.

By Mr. Barron:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

Committee on Banking and Insurance.

By Messrs. Denton and Britnell:

S. 289. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 290. To prescribe the authority and powers of Attorney General's investigators.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 291. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Mr. Mitchem:

S. 292. To amend the definitions contained in §13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Mr. St. John (By Request)

S. 293. To provide a fourteen percent increase for certain personnel in public education for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Mr. St. John (By Request):

S. 294. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Committee on Governmental Affairs.

By Messrs. Harrison, Barron and Taylor:

S. 295. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Committee on Finance and Taxation.

By Mr. Teague:

S. 296. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate such practice.

Committee on Governmental Affairs.

By Mr. Teague:

S. 297. To prohibit the possession or sale of brass or steel teflon-coated handgun ammunition.

Committee on Judiciary.

By Mr. Teague:

S. 298. To prohibit and provide penalties for criminal provocation.

Committee on Judiciary.

By Mr. Teague:

S. 299. To amend Act No. 81-965, the FY 82 Education Appropriation Act, to move \$735,521 from capital outlay to general operating and maintenance purposes.

Committee on Finance and Taxation.

BILL RE-REFERRED

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following Bill, S. B. 12, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 12, re-referred to the Standing Committee on Judiciary.

BILLS RE-REFERRED

Mr. Mitchem moved that the Bills, S. B.'s 256, 257, and 258, be removed from the Standing Committee on Commerce, Transportation, and Utilities, and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 256, 257, and 258, re-referred to the Standing Committee on Agriculture, Conservation, and Forestry.

RESOLUTION

Messrs. Martin, St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White, offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. COMMENDING MRS. ELVA BRINDLEY FRAZIER, PROMINENT DECATUR, ALABAMA, CIVIC AND POLITICAL LEADER.

WHEREAS, it is in pleased concurrence that the Alabama Legislature notes the designation of January 30, 1982, as "Elva Brindley Day," so proclaimed by the City of Decatur, Alabama, and to be observed in appreciation of Mrs. Frazier's contributions to the City and citizens of Decatur and to the entire State of Alabama, as well; and

WHEREAS, in longtime service to her community and fellow citizens, Mrs. Frazier's concern for others has been made manifest both through personal contributions to those in need and through dedicated participation in such civic and charitable affairs as the Chamber of Commerce, United Way, the Alabama Diabetes Campaign and in a number of other worthy causes; and

WHEREAS, she further has provided numerous personal and financial services to the Democratic Party at all levels; she has attended every National Democratic Convention since 1952 and has encouraged the positive development of young people and the Democratic Party through her involvement in and support of the Morgan County Young Democrats; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the citizens and City of Decatur, Alabama, we hereby most highly commend Mrs. Elva Brindley Frazier for outstanding service to her community and to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Frazier in token of our sincere praise and warm personal regard.

Which was read and referred to the Standing Committee on Rules.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 81-714, H. J. R. 378, Regular Session, the report of the Joint Interim Committee Created to Investigate the Feasibility of Creating a Perpetual Interest Fund and Other Investments and/or Expenditures for the Windfall State Oil Lease Revenues was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Reps. Seibels, Ford, Drinkard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 60. COMMENDING ALABAMA NATIVE, COACH
DANNY FORD OF CLEMSON UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 60, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Mitchem:

S. 88. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 9. To require that all utility trailers and boat trailers being pulled or transported on the public highways, roads and streets be equipped with safety chains; and to prescribe penalties for violations of this act.

By Mr. Teague:

S. 11. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

By Mr. Teague:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

By Mr. Martin:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title

to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

By Mr. Martin:

S. 30. To amend further Section 41-16-107 of the Code of Alabama 1975, as amended, which relates to the sale or disposal of tangible personal property by the state highway department so as to delete the provision of Subsection (b) which allows the highway director to sell or release tangible personal property to a county governing body or a municipal governing body of this state in such manner and on such terms as he deems in the best interest of the state, and to provide for such county governing body or municipal governing body of the state to bid on such tangible personal property when advertised for sale by the state highway department.

By Mr. Martin:

S. 31. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

By Mr. Higginbotham:

S. 34. To authorize the Highway Department to advertise for bids for the concession of the sale of food, drinks, and other personal items determined by the Department, on the premises of welcome centers and rest areas; to set the criteria for such sales; to advertise for bids for three consecutive weeks; to provide for all funds received from such concessions to be deposited into the Public Road and Bridge Fund to be used to offset the expense of operating the welcome centers and rest areas.

By Mr. Vacca:

S. 212. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide for an effective date.

By Mr. Vacca:

S. 213. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Teague and Keener (With Substitute):

S. 93. To amend further Section 40-21-53, Code of Alabama 1975, as last amended, relating to the 2.2 percent exemption on electric bills for certain persons, so as to prescribe further eligibility for such exemption.

RESOLUTIONS

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. COMMENDING BOAZ POLICE LIEUTENANT MARK W. COFIELD, DETECTIVE DONALD WIGGINS, FIRE CHIEF JACKIE NICHOLSON AND FIREMEN JIMMY KENNAMER AND TROY COLLINS.

WHEREAS, Police Lieutenant Mark W. Cofield, Detective Donald Wiggins, Fire Chief Jackie Nicholson and Firemen Jimmy Kennamer and Troy Collins, all of Boaz, Alabama, are to be most highly praised and commended for extraordinary courage and for their heroic actions on January 13, 1982, in a valiant attempt to rescue little 8 year old Taffie Renee Schoggins; and

WHEREAS, though the Legislature notes that, regrettably, young Taffie Renee died despite such rescue efforts, the actions of the above named individuals were nonetheless deeds of valor as they labored together as a team, despite grave personal danger to themselves; and

WHEREAS, in an attempt to reach the child who had fallen into an ice encrusted pond, first Lieutenant Cofield, and then Detective Wiggins entered the frigid water in search of Taffie Renee, their vision impaired in water which was cloudy with mud; and

WHEREAS, the three members of the Boaz Fire Department also were on the scene assisting with the rescue and with resuscitation efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Police Lieutenant Mark W. Cofield, Detective Donald Wiggins, Fire Chief Jackie Nicholson and Firemen Jimmy Kennamer and Troy Collins of Boaz, Alabama, for outstanding bravery; we further direct that they each receive a copy of this resolution evidencing our deep admiration and utmost regard.

Which was read and referred to the Standing Committee on Rules.

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. A Joint Resolution of the Senate and the House of Representatives of the State of Alabama directing the Alabama Real Estate Commission to delete the 50/50 Rule which contains the requirement that when a franchise name is used it shall incorporate the franchise name and logotype in the company name and that the company shall not be less than fifty percent (50%) of the surface area of the entire combined area of both the company and trade name or logotype.

WHEREAS, the Alabama Real Estate Commission has adopted a 50/50 Ratio Rule (Regulation Number 20) regulating real estate franchisee advertising, and

WHEREAS, the said Rule includes the requirement that when a franchise name is used it shall incorporate in the franchise name and logotype the company name and further, that the company name shall not be less than fifty percent (50%) of the surface area of the entire combined area of both the company name and the trade name or logotype; and

WHEREAS, this rule results in no additional benefit or protection to the citizens of this State in that the Alabama Real Estate License Law already provides for strong sanctions by said Alabama Real Estate Commission against Licensees making any substantial misrepresentations or publishing any misleading or untruthful advertising; and

WHEREAS, in addition the foregoing, the said rule causes unnecessary expense and is an unnecessary restriction on free enterprise;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA:

That the Alabama Real Estate Commission rescind the said 50/50 Ratio Rule.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. REGRETTING THE ILLNESS OF MR. JOHN SPARKS OF CULLMAN, ALABAMA, AND WISHING HIM A SPEEDY RECOVERY.

Also:

H. J. R. 7. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS' VOLLEYBALL TEAM.

Also:

H. J. R. 8. Relative to Legislative Meeting Dates January 14, 1982, through January 19, 1982.

Also:

H. J. R. 9. CONGRATULATING DADEVILLE HIGH SCHOOL ON ITS 1981 DIVISION AND STATE 2A FOOTBALL CHAMPIONSHIPS.

Also:

H. J. R. 15. COMMENDING MR. JAMES L. MYSINGER.

Also:

H. J. R. 16. CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 81-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

Also:

H. J. R. 17. COMMENDING MR. J. ED HORTON ON HIS RECENT INDUCTION AS A CHARTER MEMBER OF THE ALABAMA LIVESTOCK HALL OF FAME.

Also:

H. J. R. 18. COMMENDING MR. CHARLES EDWIN SHAVER OF HUNTSVILLE, ALABAMA, DISTINGUISHED CITIZEN OF THE YEAR.

Also:

H. J. R. 24. Relative to Legislative Meeting Dates January 21, 1982, through February 2, 1982.

Also:

H. J. R. 27. MOURNING THE DEATH OF MONTGOMERY POLICE OFFICER MARY PEARL McCORD.

Also:

H. J. R. 30. COMMENDING MASTER SERGEANT JAMES HARRY LEITCH OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 33. DESIGNATING THE PECAN AS THE OFFICIAL STATE NUT OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read as length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 20. REQUESTING AN ADVISORY OPINION RELATIVE TO PENDING S. R. 18 OF THE 1982 REGULAR SESSION, RELATIVE TO THE LEGISLATIVE PROCESS AND BUDGETARY PROCEDURE.

On motion of Mr. Cook, said Resolution, S. R. 20, was postponed temporarily.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 16. HONORING MR. LENNY SKUTNIK AS A MAN OF NOBLE COURAGE AND DEEDS.

Also:

S. J. R. 17. MOURNING THE TRAGIC AND UNTIMELY DEATH OF COLONEL EDWARD R. COBB OF MOBILE, ALABAMA.

On motion of Mr. Little, said Resolutions were then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 15. COMMENDING COACH DANNY FORD OF CLEMSON UNIVERSITY, NATIONAL U.P.I. AND EASTMAN KODAK "FOOTBALL COACH OF THE YEAR."

On motion of Mr. Keener, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 12. COMMENDING THE UNDERWOOD-PETERSVILLE VOLUNTEER FIRE DEPARTMENT.

On motion of Mr. Denton, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 53. MOURNING THE DEATHS OF AIR FORCE CAPTAINS JOSEPH PETERSON AND WILLIE MAYS, AND THEIR THUNDERBIRDS TEAMMATES, MAJOR NORMAN L. LOWRY, III, AND CAPTAIN MARK E. MELACON.

Also:

H. J. R. 54. CORDIALLY INVITING THE KOREAN SINGING AMBASSADORS OF SEOUL, SOUTH KOREA, TO APPEAR IN CONCERT BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE, AND CALLING FOR SAID JOINT SESSION TO BE HELD ON JANUARY 26, 1982.

Also:

H. J. R. 55. COMMENDING THE UNION LEADERSHIP AND THE MEMBERS OF THE UNITED AUTOMOBILE WORKERS.

Also:

H. J. R. 57. HONORING MR. HENRY "HANK" AARON UPON HIS INCLUSION IN THE BASEBALL HALL OF FAME.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 22. COMMENDING MRS. ELVA BRINDLEY FRAZIER, PROMINENT DECATUR, ALABAMA, CIVIC AND POLITICAL LEADER.

On motion of Mr. Martin, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 21. MOURNING THE DEATH OF MR. THOMAS DAME-
RON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND
PHILANTHROPIST.

Also:

S. J. R. 23. COMMENDING BOAZ POLICE LIEUTENANT MARK
W. COFIELS, DETECTIVE DONALD WIGGINS, FIRE CHIEF JACKIE
NICHOLSON AND FIREMEN JIMMY KENNAMER AND TROY COL-
LINS.

On motion of Mr. McDonald, said Resolutions were then adopted by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 25. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1982 Regular Session only.

RESOLVED FURTHER BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to each of the bills herein listed.

By Messrs. McDonald, Mitchem, Harrison, Parsons, Little, Robertson, Holmes, Kirkland, Vacca, Teague, Keener, Hall, Britnell, Taylor, Cook, Denton, Martin, deGraffenried and Miller (With Amendment):

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

By Mr. Mitchem:

S. 35. To repeal Section 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

By Mr. Teague:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

By Mr. Higginbotham:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

By Messrs. White and Proctor (With Amendment):

S. 141. To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission, including the power to promulgate rules and regulations; to provide for the selection of a chairman and fix the tenure of his office; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission members having an interest in matters before the Commission; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification for the issuance of a certificate of need by the Commission; to provide for promulgation of

rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service without first obtaining the certificate of need described in this bill; to provide for waiver of formal review and substitutes nonsubstantive review under certain stated conditions; to specify the effective period of the certificate of need and the period of commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act; to deny reimbursement for services rendered by facilities constructed in violation of the Act; to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

By Mr. Martin:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities and which are organized under a commission form of government, so as to improve and clarify such election procedures.

By Mr. Martin:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make

various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

By Mr. Martin:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedure.

By Messrs. deGraffenried, Barron and St. John:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriations out of the state general fund to cover said salaries and expenses.

Mr. White offered the following substitute for the Resolution, S. R. 25, to-wit;

SUBSTITUTE FOR S. R. 25

S. R. 25. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1982 Regular Session only.

RESOLVED FURTHER BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to each of the bills herein listed.

By Mr. Mitchem:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

By Mr. Goodwin:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the

governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

By Mr. Teague:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

By Mr. Higginbotham:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

By Mr. Martin:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

By Mr. Martin:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

By Mr. Martin:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedure.

By Messrs. deGraffenried, Barron and St. John:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

On motion of Mr. McDonald, said substitute was laid on the table.

Mr. White moved for a division of the question on the Resolution, S. R. 25.

On motion of Mr. McDonald, the first paragraph and the listing of Bills on the Resolution, S. R. 25, were adopted.

On motion of Mr. McDonald, the second paragraph of the Resolution, S. R. 25, was laid on the table.

Messrs. Teague and St. John offered the following Senate Joint Resolution to-wit:

S. J. R. 26. FURTHER CLARIFYING THE LEGISLATIVE INTENT FOR SECTION 9 OF ACT NO. 81-1183, H. 71, THIRD SPECIAL SESSION, 1981, RELATIVE TO APPROPRIATIONS FOR PUBLIC EDUCATION INSTITUTIONS AND CERTAIN DEFINITIONS, AND DIRECTING COMPLIANCE FORTHWITH.

WHEREAS, it has come to the attention of the Alabama Legislature that certain provisions of Section 9 of Act No. 81-1183, H. 71, Third Special Session 1981, are being misinterpreted and, therefore, certain schools are being omitted from receiving funds that the Legislature intended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was at the time of its passage and continues to be the express intent of the Alabama Legislature that in the sums appropriated for "public education institutions" secondary and post-secondary technical schools shall be included in that definition and shall be construed to mean any vocational school under the jurisdiction of any city or county board of education and any vocational technical college under the jurisdiction of the State Board of Education.

BE IT FURTHER RESOLVED, That the Superintendent of Education take action to comply forthwith to include all such public educational institutions in the distribution of appropriations for "public education institutions" pursuant to said Act No. 81-1183 and under the same condition, rate and formula as all other such institutions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Superintendent of Education.

Which was read and referred to the Standing Committee on Rules.

Messrs. Proctor and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. COMMENDING CAPTAIN ED LIGHTSEY UPON HIS RETIREMENT AS A STATE CONSERVATION OFFICER.

WHEREAS, the Alabama Legislature notes with commendation and praise the outstanding career of Captain Ed Lightsey as a state conservation officer with the Alabama Department of Conservation and Natural Resources; and

WHEREAS, a 1950 graduate of Auburn University in agricultural sciences, Captain Lightsey also is a United States Navy veteran who has worked both as a coal miner and dairyman, and as a teacher at his Alma Mater, Bibb County High School; and

WHEREAS, Captain Lightsey, as a conservation officer for 28 years, spent the last two decades of his tenure in his supervisory capacity as a Captain, he still often patrolled the woods and fields, however, as he had done regularly during his first years of service with the department; and

WHEREAS, though his career as a state conservation officer involved a great deal of law enforcement duty and responsibility related to subsequent arrests for violations, encompassing a ten-county area, Captain Lightsey's primary interest and concern was in the area of proper management of wildlife resources through education of citizens with regard to our state's laws; and

WHEREAS, Captain Lightsey's reputation as an exemplary public servant thoroughly knowledgeable in his field is a reputation well deserved for one so widely recognized for his outstanding ability and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Ed Lightsey on his prestigious career with the Alabama Department of Conservation and Natural Resources.

BE IT FURTHER RESOLVED, That Captain Lightsey receive a copy of this resolution that he may be aware of our sincere gratitude for his service, of our warm personal regard and of our best wishes for continued success in all future endeavors.

Which was read and referred to the Standing Committee on Rules.

Mr. McDonald offered the following Senate Resolution, to-wit:

S. R. 28. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 58.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. McDonald, Mitchem, Harrison, Parsons, Little, Robertson, Holmes, Kirkland, Vacca, Teague, Keener, Hall, Britnell, Taylor, Cook, Denton, Martin, deGraffenried and Miller (With Amendment):

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 1.

Yeas:

Messrs.:
Bailey

Britnell
deGraffenried

Denton
Goodwin

Harrison
Higginbotham

Hilliard	McDonald	St. John	Teague	
Keener	Miller	Smith	Vacca	
Kirkland	Mitchem	Taylor	Weeks	
Lemaster	Parsons			—21

Nay: Mr. Little. —1

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 58, to-wit:

COMMITTEE AMENDMENT TO S. B. 58

To amend Senate Bill 58 Section 8 page 5 line 11 by deleting the words "not to exceed \$15,000 per year,".

To further amend Senate Bill 58 Section 8 page 5 line 16, by adding the following, "The total reimbursement expenses of the Commission are not to exceed \$15,000 per year."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	St. John	
deGraffenried	Holmes	Mitchem	Smith	
Goodwin	Lemaster	Parsons	Taylor	
Hall	Little	Proctor	Teague	
Harrison	McDonald	Robertson	White	—19

Nays: —0

RESOLUTION

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. COMMENDING 1981 ALL-AMERICAN JOHN HAND OF SYLACAUGA HIGH SCHOOL.

WHEREAS, it is with tremendous pride that the Alabama Legislature congratulates and commends 1981 All-American John Hand of Sylacauga High School, Alabama's representative on the 19th annual High School All-American Football Team as selected by Parade Magazine; and

WHEREAS, also a class officer and an outstanding student with a 90-plus grade point average, John Hand's talent extends to include accomplished performances as center on his school's varsity basketball team, averaging 15 points and 15 rebounds per game; and

WHEREAS, as an All-American tackle, however, John Hand, at 6 feet seven inches tall and 285 pounds, had a tremendous '81 season, highlighting his high school career as a three-year starter for Sylacauga High School; and

WHEREAS, Alabama's own John Hand of Sylacauga now stands on the threshold of a promising collegiate career on scholarship and, of course, potential greatness as a professional athlete in either football or basketball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate All-American John Hand of Sylacauga High School and direct that he and his mother, Mrs. Freddie Hand, receive copies of this resolution, tendered in warm praise and in gratitude for the honor he has brought to his hometown, to his school and to the entire State of Alabama.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 20

The Senate proceeded to further consideration of the Resolution, S. R. 20.

Mr. Cook offered the following amendment to the Resolution, S. R. 20, to-wit:

AMENDMENT TO S. R. 20

Amend pending S. R. 20 as follows:

On page two after line 31, insert the following:

BE IT RESOLVED FURTHER, That if the Justices should, in their wisdom, not address any or all questions propounded above then, in that event, the Senate respectfully requests that the Court, if possible, expedite their consideration of the case of : Robert Gafford, Plaintiff vs. John Pemberton, Clerk of the House of Representatives of the State of Alabama, et al., Defendants, Supreme Court Case No. 81-354.

Which was adopted.

And said Resolution, S. R. 20, as thus amended, was then adopted by the Senate.

INTERIM COMMITTEE REPORTS FILED

Pursuant to the provisions of Act No. 816, 1979 Regular Session, the report of the Joint Interim Committee to Study the Rising Costs of Medicaid was read and ordered filed with the Secretary.

Pursuant to the provisions of Act No. 80-203, S. J. R. 105, 1980 Regular Session, the report of the Joint Interim Committee to Study the Utilization and Value of Land Owned by the Department of Mental Health was read and ordered filed with the Secretary.

MOTIONS IN WRITING

Mr. Bailey offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 102, on page 26 of the Fifth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 102, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Bailey then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 62, on page 34 of the Fifth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 62, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Kennedy, Stewart, Buskey, Clark (W), Harper (T), Turner, Parker, Sandusky, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 71. MOURNING THE DEATH OF MRS. MATHILDA HOGAN STEPHENS OF GULFPORT, MISSISSIPPI.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 71, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Dixon and Wyatt:

H. J. R. 63. COMMENDING AND EXPRESSING APPRECIATION TO THE MONTGOMERY POLICE DEPARTMENT AND CITY WORK CREWS FOR THEIR EFFORTS DURING THE RECENT SNOW, ICE STORM AND SUB-FREEZING WEATHER.

Also:

By Rep. Dial:

H. J. R. 67. COMMENDING MR. J. LEWEL SELLERS FOR OUTSTANDING LEADERSHIP IN STATE CONSERVATION EFFORTS.

Also:

By Rep. Biddle:

H. J. R. 68. COMMENDING GARDENDALE HIGH SCHOOL'S FOOTBALL TEAM.

Also:

By Rep. Biddle:

H. J. R. 69. COMMENDING COACH HERBERT EDWIN (ED) BRUCE, JR., GARDENDALE, ALABAMA.

Also:

By Rep. Biddle:

H. J. R. 70. COMMENDING JEFF PARKS, GARDENDALE HIGH SCHOOL FOOTBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 63, 67, 68, 69, and 70, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (O), Bedsole, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser,

Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 65. MOURNING THE DEATH OF MR. THOMAS DAMERON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND PHILANTHROPIST.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 65, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

H. J. R. 64. ENCOURAGING ALABAMIANS TO SUPPORT THE ECONOMIC DEVELOPMENT OF OUR STATE AND NATION THROUGH THEIR PURCHASE OF AMERICAN-MADE AUTOMOBILES.

WHEREAS, the economic well-being of our state and nation is directly affected by the purchase and use of domestically manufactured motor vehicles; and

WHEREAS, the automobile industry has suffered immeasurably recently due to the sales of foreign cars in this county; and

WHEREAS, the State of Alabama is intricately involved in the aforementioned industry through the related areas of steel and rubber manufacturing; and

WHEREAS, when our domestic manufacturers are forced to close their plants due to foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby urges all citizens in the state to support the economy of Alabama and the nation through their purchase of American-made automobiles and related domestic products.

HOUSE MESSAGE

The resolution H. J. R. 64, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R. G.):

H. J. R. 66. EXTENDING THE REPORTING DATE FOR THE CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee is hereby extended to the Twentieth Legislative Day.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Blake and Dial:

H. J. R. 61. COMMENDING GOVERNOR FOB JAMES AND THE ALABAMA NATIONAL GUARD FOR THE MERITORIOUS SERVICE RENDERED DURING THE RECENT SEVERE WEATHER.

Also:

By Reps. Waggoner, Adams (H), Amari, Bennett, Boles, Cabaniss, Carter, Cheatwood, Clark (G), Cooley, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Holmes, Lewis, McCorquodale, Manley, Moore, Naramore, Nevett, Olive, Payne, Rains, Reed, Sasser, Seibels, Shoemaker, Smith (J), Trammell, Ward, and Willis:

H. J. R. 62. HONORING MR. THOMAS WAYNE GLOOR, PROMINENT ALABAMIAN, DISTINGUISHED PUBLIC SERVANT AND PATRIOT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 61 and 62, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:10 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, January 28, 1982, at 11 o'clock A.M.

SIXTH LEGISLATIVE DAY

THURSDAY, JANUARY 28, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Mike Tadlock, Minister of Music, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Pearson
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague
Cook	Hilliard	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Figures, Glass, Proctor, and St. John for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 4. COMMENDING MR. ED TUNNELL OF BAY MINETTE, ALABAMA, ASSOCIATE COUNTY AGENT FOR BALDWIN COUNTY.

Also:

S. J. R. 5. MOURNING THE DEATH OF MR. DENNIS B. HOWELL, JR., OF BAY MINETTE, ALABAMA.

Also:

S. J. R. 7. DESIGNATING THE CITY OF SELMA AS THE BUTTERFLY CAPITAL OF ALABAMA.

Also:

S. J. R. 10. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE OF AUBURN UNIVERSITY, ALABAMA RIVER WOODLANDS, INCORPORATED, AND THE MONROE COUNTY COMMISSION.

Also:

S. J. R. 11. COMMENDING THE AMERICAN TREE FARM SYSTEM FOR ITS EFFORTS TO PROMOTE FORESTRY AND PETITIONING THE AMERICAN FOREST INSTITUTE TO HOLD ITS GOLDEN ANNIVERSARY TREE FARM CELEBRATION ON AN ALABAMA TREE FARM IN 1991.

Also:

S. J. R. 15. COMMENDING COACH DANNY FORD OF CLEMSON UNIVERSITY, NATIONAL U.P.I. AND EASTMAN KODAK "FOOTBALL COACH OF THE YEAR."

Also:

S. J. R. 16. HONORING MR. LENNY SKUTNIK AS A MAN OF NOBLE COURAGE AND DEEDS.

Also:

S. J. R. 17. MOURNING THE TRAGIC AND UNTIMELY DEATH OF COLONEL EDWARD R. COBB OF MOBILE, ALABAMA.

Also:

S. J. R. 22. COMMENDING MRS. ELVA BRINDLEY FRAZIER, PROMINENT DECATUR, ALABAMA, CIVIC AND POLITICAL LEADER.

Also:

S. J. R. 23. COMMENDING BOAZ POLICE LIEUTENANT MARK W. COFIELD, DETECTIVE DONALD WIGGINS, FIRE CHIEF JACKIE NICHOLSON AND FIREMEN JIMMY KENAMER AND TROY COLLINS.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Teague and deGraffenried:

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Committee on Finance and Taxation.

By Mr. Barron:

S. 301. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Committee on Finance and Taxation.

By Messrs. Barron, Higginbotham, Harrison, White, Holmes, Parsons, and Taylor:

S. 302. To propose a constitutional amendment amending subsection 6.09 (d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Higginbotham and Little:

S. 303. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; defining certain terms; establishing qualifications for Commission members; establishing requirements for a quorum of the Commission at meetings; providing for appointment of an executive officer, and granting authority to the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; further providing for the Commission's powers and duties; and to provide for notice of an election on the proposed amendment.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Higginbotham:

S. 304. To amend Section 22-21-24, Code of Alabama, 1975, providing for the accreditation and licensing of nursing homes.

Committee on Health and Welfare.

By Mr. Smith:

S. 305. To authorize certain officials of the state's high schools to accept voter registration applications, subject to the approval of the local boards of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

Committee on Education.

By Mr. Weeks (with notice and proof):

S. 306. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 306, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to providee that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists, as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

Committee on Finance and Taxation.

By Messrs. Little and Higginbotham:

S. 308. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for exemptions from the Utility Gross Receipts Tax, so as to exempt the Loachapoka Water, Sewer and Fire Protection Authority, Inc., from said tax.

Committee on Finance and Taxation.

By Mr. Teague:

S. 309. To provide for an unclaimed vehicle reporting system when said vehicles are left in certain locations; to provide that the Public Safety Department shall administer said system; and to provide for certain fees for failure to report.

Committee on Judiciary.

By Mr. Callahan (with notice and proof):

S. 310. Relating to Mobile County, to provide for the re-apportionment of the Board of School Commissioners of Mobile County into five single-member districts from each of which one commissioner shall be elected by the electors of that district; and to provide for the election and terms of office of the new commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 310, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. White:

S. 311. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Committee on Education.

By Messrs. McDonald, Lemaster and Smith:

S. 312. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire.

Committee on Finance and Taxation.

By Mr. Teague:

S. 313. To amend §8-8-7 of the Code of Alabama 1975 in order to exempt from all laws governing usury any bonds, notes, warrants, other evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof or by any not-for-profit public or private corporation at any time created for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest.

Committee on Finance and Taxation.

By Mr. Denton:

S. 314. To amend Section 40-9-13, Code of Alabama 1975, which exempts certain named organizations from taxation, so as to add the Shoals Presbyterian Apartments, Inc., to the list of exempt organizations.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 315. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Committee on Finance and Taxation.

By Mr. Little:

S. 316. Requiring a certain independent inventory and appraisal of the real and personal property of the state docks for the legislature no later

than the fifth legislative day of the 1983 regular session of the Alabama legislature, and providing that the cost of such shall be borne by the state docks department.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 317. To provide assistance to county boards of registrars by establishing a statewide voter registration file maintenance system to compile the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at least once at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law; to secure lists of persons who are deceased or convicted of felonies; to provide that any elector who fails to vote at least once in a six year period shall be removed from the active voters list; to repeal voter reidentification laws except those currently in progress.

Committee on Governmental Affairs.

By Mr. Kirkland (with notice and proof):

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 318, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Kirkland:

S. 319. To amend Section 15-16-41 of the Code of Alabama 1975, to apply to defendants in criminal cases found to have committed the act while insane.

Committee on Judiciary.

By Mr. Mitchem:

S. 320. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$10.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 321. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; unlawfully visiting a place where controlled substances are being unlawfully used; unlawful possession of a counterfeit substance device; unlawful possession with intent to distribute a counterfeit substance; and, unlawful manufacture, distribution of dispensing of a counterfeit substance; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2 and 20-2-72; to repeal Code of Alabama 1975, §§20-2-70(b), 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. HONORING JUDGE BEN REEVES UPON HIS RETIREMENT AS PROBATE JUDGE, PIKE COUNTY, ALABAMA.

WHEREAS, the January 1982 retirement of the Honorable Ben Reeves, Pike County Probate Judge, brings to a close an outstanding career of some 44 years in public office, a career distinguished through exemplary service to the citizens of the State of Alabama; and

WHEREAS, a native of Pike County and of Brundidge, Alabama, Judge Reeves was elected first to public office in 1939 to serve as Sheriff of Pike County as had his father before him and other family members as well; he served in such capacity for four consecutive terms except for a period during World War II following his enlistment in the United States Navy, and during which time his mother was appointed to serve as sheriff in his absence; and

WHEREAS, in 1955, Judge Reeves was elected to the State Senate representing District 25 composed of Pike, Coffee and Crenshaw Counties; and

WHEREAS, in 1959, he ran for and was elected to his third public office of trust, that of Probate Judge of Pike County, a position he has since held following success in each subsequent bid for re-election; and

WHEREAS, Judge Ben Reeves is an outstanding individual who has long and well served the citizens of the State of Alabama and, in so doing, has earned the admiration and regard of those who have benefited from his dedicated efforts for more than four decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge Ben Reeves, Pike County, Alabama, and direct that a copy of this resolution be presented to him in token of our sincere gratitude and warm personal regard.

Which was read and referred to the Standing Committee on Rules.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. CREATING A SELECT COMMITTEE TO DESIGN AND TO PROVIDE FOR THE MANUFACTURE, PURCHASE AND DISTRIBUTION OF IDENTIFYING LAPEL PINS FOR MEMBERS OF THE ALABAMA LEGISLATURE.

WHEREAS, in a number of the various states, members of the legislature, upon assuming office, are provided with lapel pins or other article of virtue that have been appropriately and uniquely designed so as to immediately identify the wearer as a member of that state's legislative body; and

WHEREAS, the State of Alabama, however, has no provision for such means of identification of a legislator to the public; this is an omission of long-standing and an exception to accepted practice of the other states; and

WHEREAS, not only would such article as herein described serve to identify our legislators but would further provide a memento, both purposeful and in token, of a legislator's service to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE, OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select committee to be composed of two members of the House of Representatives, to be appointed by the Speaker of the House, two members of the Senate, to be appointed by the President of the Senate, the Clerk of the House of Representatives and the Secretary of the Senate. The committee, to serve without compensation, will begin work immediately to create a unique design for each for the two Houses of the Legislature and then to provide for the manufacture and purchase of lapel pins appropriate for both identification and for keepsake purposes. The first of said pins are to be distributed to the current members of the Alabama Legislature and to all future duly elected legislators upon assumption of office.

BE IT FURTHER RESOLVED, That all expenses incurred shall be paid from funds appropriated to the use of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, the Judicial Compensation Commission has rendered its report to the 1982 Regular Session of the Legislature; and

WHEREAS, the State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, it is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1982, in the House of Representatives and on January 19, 1982, to the Senate, and the recommendations contained therein, are hereby denied.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Stout and Rains:

H. J. R. 74. COMMENDING MISS JAMIE HENDRIX UPON BEING CHOSEN ALABAMA JUNIOR MISS OF 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 74, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 75. COMMENDING MR. MUREAL REED CRUMP, RECIPIENT OF THE UNITED STATES JAYCEES DISTINGUISHED SERVICE AWARD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 75, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 56, on page 29 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 56, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING THE 1981 GOLF TEAM AND COACH ANTHONY DRAGOIN OF AUBURN UNIVERSITY.

WHEREAS, it is with great pleasure that the Legislature of Alabama recognizes the outstanding accomplishments of the 1981 Auburn University Golf Team under Coach Anthony Dragoin; and

WHEREAS, with the entire team shooting consistently in the low 70's, and just as consistently finishing high in every tournament, the season's zenith was reached with Auburn's capture of the 1981 Southeastern Conference Championship; and

WHEREAS, team members Bill Bergin, John Fisher, Tim Krapfel, J. Hicks Malonson and Ricky Smallridge, in addition to their accomplishments on the links, were accomplished in their studies as well, and are to be further commended for their embodiment of the Auburn spirit of dedication, sacrifice and hard work; and

WHEREAS, Coach Dragoin, himself an Auburn graduate with B.S. and M.S. Degrees and his Doctorate from the University of Alabama, has been a full-time Associate Professor in Auburn's School of Education since 1951 and golf coach since 1967; during his college years at Auburn, he was All American in wrestling and finished 4th in the 1951 NCAA Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the 1981 SEC Champion Golfers and their coach, Dr. Anthony Dragoin.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Dragoin and for each of his champion golfers that they may know of our warm praise, pride and esteem.

Which was read and referred to the Standing Committee on Rules.

Mr. Hilliard offered the following Senate Resolution, to-wit:

S. R. 34. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 91.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Which was read and referred to the Standing Committee on Rules.

Mr. Hilliard then offered the following Senate Resolution, to-wit:

S. R. 35. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 89.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 89. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and how salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

Which was read and referred to the Standing Committee on Rules.

Mr. Hilliard then offered the following Senate Resolution, to-wit:

S. R. 36. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 90.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Hilliard (with notice and proof) (With Substitute):

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supercedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Which was read and referred to the Standing Committee on Rules.

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 37. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 51.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Gullledge:

S. 51. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Which was read and referred to the Standing Committee on Rules.

Mr. McDonald offered the following Senate Resolution, to-wit:

S. R. 38. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 63.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. White (with notice and proof):

S. 63. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

Which was read and referred to the Standing Committee on Rules.

Mr. McDonald then offered the following Senate Resolution, to-wit:

S. R. 39. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 65.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. White (with notice and proof):

S. 65. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Which was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley and Ray (with notice and proof)(With Substitute):

H. 172. Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; to repeal certain conflicting laws; and to provide for the funding of said jail.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues (with notice and proof):

H. 113. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; providing a penalty for willfully making a false statement in connection with re-identification; and repealing Act No. 81-226, H. 663, 1981 Regular Session, (Acts 1981, p. 302).

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Amendment):

S. 83. To amend Sections 28-3A-11, 28-3A-12 and 28-3A-13, Code of Alabama 1975, as amended, so as to require the consent of the governing authority of the municipality for the sale of liquor if in the police jurisdiction by certain licensees; to provide an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (With Substitute):

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-21-2, 34-21-5, 34-21-22 and 34-21-40, Code of Alabama 1975, so as to: To define the term "consumer," who will be a new board member; to change the terms of board members to two years; to change the selection process for the six registered nurse board members; to grant equal voting privileges to practical nurse board members; to alternate annually the officers of the board between administrative and educator nurses; to provide four weeks' notice of proposed rule changes and for notifying those affected by rule changes and providing for public hearings on proposed rule changes; to provide that the board shall recommend, rather than proscribe, educational standards to the state board of education for educational programs for nursing; to require that the board's executive officer need not hold a master's degree; and to provide that a person trained as a registered nurse shall be eligible to sit for the exam for licensed practical nurse.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 210. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

By Mr. Gulledge:

S. 262. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer, so as to allow additional bonded employees to open the safe.

By Reps. Smith (J), Coburn, Naramore, Turnham, Cosby and Mitchell:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds or thereby decreases county or municipal revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley, Daniels and Ray (With Substitute):

H. 171. To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements, and to permit said counties to erect a jail.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Substitute)(With Amendment):

S. 26. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

By Mr. Denton (With Substitute)(With Amendment):

S. 25. To provide certain standards and guidelines for the selection of textbooks used in public schools.

Mr. Higginbotham, Chairman of the Standing Committee on Education reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hall:

S. 27. To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in city and county schools.

By Messrs. Goodwin, Parsons, Hilliard, Teague, Kirkland, Higginbotham, White, Little, Keener, Martin, Vacca and Miller:

S. 68. To amend Title 16, Section 27, sub-section 4, of the Code of Alabama, 1975 so as to lower the number of training session hours required for renewal of school bus driver licenses from six hours to four hours.

By Mr. Higginbotham:

S. 73. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

By Mr. Vacca:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 218. To amend Section 36-7-21, providing for out-of-state travel for State employees; to allow the Commissioner of Agriculture and Industries to approve out-of-state travel requests of persons representing the State Department of Agriculture and Industries.

By Mr. deGraffenried:

S. 264. To amend Section 32-5-17, Code of Alabama 1975, relating to the use of spotlights on roads at night, so as to alter the hours and the type of roads to which said section applies.

By Mr. deGraffenried:

S. 265. To amend Section 9-11-252, Code of Alabama 1975, relating to the penalties for the violation of sections 9-11-250 (taking deer from public waters) or 9-11-251 (taking deer at night), so as to increase and amend penalties for the violation thereof.

By Mr. deGraffenried:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of public roads, so as to increase penalties for the violation thereof.

By Mr. deGraffenried:

S. 267. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to increase and amend certain penalties for the violation thereof.

By Mr. deGraffenried:

S. 269. To amend Section 9-11-241, Code of Alabama (1975), relating to daytime hunting on the lands of another, so as to increase certain penalties for the violation thereof.

By Mr. deGraffenried:

S. 270. To amend Section 9-11-242, Code of Alabama (1975), relating to nighttime hunting on the lands of another, so as to increase penalties for the violation thereof.

By Mr. Kirkland:

S. 69. To remove raccoons and foxes from the category of furbearing animals.

By Mr. Keener:

S. 162. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 177. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 192. To provide further for the rights of sportsmen on state wildlife management areas; to further regulate the taking, capturing, trapping or killing of raccoon and fox; to prescribe that the taking, trapping, capturing or killing of raccoon and fox for commercial purposes shall be a misdemeanor crime; to prescribe penalties upon conviction therefor; and to provide that the provisions of this act shall be construed in pari materia with other such laws.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hall, Parsons, Hilliard, Vacca, White, and Cook (with notice and proof)(With Amendment):

S. 163. Relating to Jefferson County; to provide certain health benefits to Jefferson County Pension System members who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Little and Figures:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

By Mr. Callahan:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (By Request)(With Amendments):

S. 174. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

RECESS

At 11:50 A.M., on motion of Mr. White, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 232. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 232 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 233. Relating to Choctaw County; to provide for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 233 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 234. Relating to the Town of Pennington in Choctaw County; to provide further as to who may be appointed to the Pennington Water Works Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 234 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bowling:

H. 237. To repeal Act No. 81-1084, H. 68 of the 1981 Third Special Session, which proposes a constitutional amendment providing the county governing body of Winston County may provide for forest fire protection by levying a tax on lands on other than an ad valorem basis; and to specifically provide for legislative intent.

Also:

By Rep. Warren (with notice and proof):

H. 264. Relating to Conecuh County; to provide for an additional clerk hire allowance for the tax assessor and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 264, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B. 's 232, 233, 234, 237, and 264. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. COMMENDING THE UNDERWOOD-PETERSVILLE VOLUNTEER FIRE DEPARTMENT.

Also:

H. J. R. 53. MOURNING THE DEATHS OF AIR FORCE CAPTAINS JOSEPH PETERSON AND WILLIE MAYS, AND THEIR THUNDERBIRDS TEAMMATES, MAJOR NORMAN L. LOWRY, III, AND CAPTAIN MARK E. MELACON.

Also:

H. J. R. 54. CORDIALLY INVITING THE KOREAN SINGING AMBASSADORS OF SEOUL, SOUTH KOREA, TO APPEAR IN CONCERT BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE, AND CALLING FOR SAID JOINT SESSION TO BE HELD ON JANUARY 26, 1982.

Also:

H. J. R. 55. COMMENDING THE UNION LEADERSHIP AND THE MEMBERS OF THE UNITED AUTOMOBILE WORKERS.

Also:

H. J. R. 57. HONORING MR. HENRY "HANK" AARON UPON HIS INCLUSION IN THE BASEBALL HALL OF FAME.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 39. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 65.

Also:

S. R. 38. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 63.

Also:

S. R. 34. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 91.

Also:

S. R. 36. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 90.

Also:

S. R. 35. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 89.

On motion of Mr. McDonald, the Resolution, S. R. 39, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Teague
Callahan	Hilliard	Martin	Weeks
deGraffenried	Holmes	McDonald	White
Denton	Keener		

—21

Nays:

—0

On motion of Mr. McDonald, the Resolution, S. R. 38, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Teague
Callahan	Hilliard	Martin	Weeks
deGraffenried	Holmes	McDonald	White
Denton	Keener		

—21

Nays:

—0

On motion of Mr. McDonald, the Resolution, S. R. 34, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Goodwin
Bailey	Callahan	Denton	Gulledge

Hall	Kirkland	McDonald	Teague
Hilliard	Lemaster	Miller	Weeks
Holmes	Little	Parsons	White
Keener	Martin		

—21

Nays: —0

On motion of Mr. McDonald, the Resolution, S. R. 36, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Teague
Callahan	Hilliard	Martin	Weeks
deGraffenried	Holmes	McDonald	White
Denton	Keener		

—21

Nays: —0

On motion of Mr. McDonald, the Resolution, S. R. 35, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Teague
Callahan	Hilliard	Martin	Weeks
deGraffenried	Holmes	McDonald	White
Denton	Keener		

—21

Nays: —0

LOCAL BILLS ON THIRD READING

The Bill:

S. 63. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Hall
Bailey	Callahan	Denton	Hilliard
Barron	Cook	Goodwin	Keener

REGULAR SESSION
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Kirkland	McDonald	Smith	Vacca
Lemaster	Miller	Taylor	Weeks
Little	Parsons	Teague	White
Martin	Pearson		

—25

Nays: —0

The Bill:

S. 65. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Hilliard	Miller	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Pearson	White
deGraffenried	Lemaster		

—25

Nays: —0

The Bill:

S. 89. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and how salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty(30) days of appointment.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 89, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 89

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such

staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4.06(9) of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, be and said Section 4.06(9) is hereby amended to read as follows:

"4.06(9). Employ as members of his staff as many as six (6) persons for and on behalf of said city to assist the Mayor and perform such duties relating to the Mayor as the Mayor may assign. Each such employee shall serve at the pleasure of the Mayor at such compensation as the Mayor may set provided the salary paid shall not exceed \$27,000.00. Such staff members shall not be under any merit or civil service system, but, should a member of the classified service under any merit or civil service system applicable to the city be appointed hereunder, the provisions of this section notwithstanding, he may be paid at the salary established for his classification at the time of appointment and such person shall not lose any rights under such merit or civil service system by reason of his appointment hereunder, and shall, upon termination of service on the Mayor's staff, at the same or higher classification as that held upon appointment hereunder. Each such employee shall by reason of such employment become a member of the pension system covering the general employees of the city, if there be such a system, to the same extent and in the same manner as other general employees of the city, provided such employee apply to the board or other authority administering such pension system within thirty (30) days of appointment; otherwise, such employee shall not be a member of the system. This section shall not limit the authority of the Mayor to appoint other staff under the merit system or as otherwise authorized by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Hilliard	Miller	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Pearson	White
deGraffenried	Lemaster		

—25

Nays:

—0

And said Bill, S. B. 89, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 2.

Yeas:

Messrs.:	Denton	Little	Pearson
Bailey	Goodwin	Martin	Smith
Barron	Gulledge	McDonald	Taylor
Britnell	Hilliard	Miller	Teague
Callahan	Keener	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
deGraffenried	Lemaster		

—25

Nays: Messrs. Hall and White. —2

The Bill:

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 90, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 90

A BILL
TO BE ENTITLED
AN ACT

To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The Council or other governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census, shall have the power and authority to grant to any member of such council or other governing body an amount of money for expenses incurred by such member on account of such member's attending the business of such municipality within its corporate limits. The maximum expense allowance shall be Three Hundred (\$300.00) Dollars per month for each member of the Council, except the President or Chairman of the Council or other governing body who may be given an allowance not to exceed Three Hundred Fifty (\$350.00) Dollars per month.

Section 2. In addition to the authority granted by Section 1 hereof, the Council or other governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census commencing November 15, 1983, shall have the power and authority to grant to any member of such council or other governing body who was elected for a term commencing in November, 1981, an amount of money in addition to that provided in Section 1 above, for expenses incurred by such member on account of such member's attending the business of such municipality within its corporate limits. The maximum additional expense allowance shall be Two Hundred (\$200.00) Dollars per month for each such member of the Council. No such additional expense allowance shall be paid to any Council member after November 15, 1985.

Section 3. The provisions of this Act shall not be construed so as to prevent any such member of such council or other governing body from being reimbursed for actual expenses incurred by him on or in connection with a trip on municipal business beyond the corporate limits of such municipality, which amount shall not accrue against the monetary amounts provided in Section 1.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall supersede the provisions of Section 1 and 2 of Act 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Hilliard	Miller	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Pearson	White
deGraffenried	Lemaster		

—25

Nays:

—0

And said Bill, S. B. 90, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Callahan	deGraffenried
Bailey	Britnell	Cook	Denton

Goodwin	Lemaster	Parsons	Teague	
Hall	Little	Pearson	Vacca	
Hilliard	Martin	Smith	Weeks	
Keener	McDonald	Taylor	White	
Kirkland	Miller			—25
Nays:				—0

The Bill:

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 91, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 91

A BILL
TO BE ENTITLED
AN ACT

Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the maximum salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mayor of any Class I municipality or of any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census of this state is hereby authorized to employ for and on behalf of said municipality an employee to be known as Chief Administrative Assistant to the Mayor shall be fixed and determined by the Mayor, but shall not exceed \$39,500 thirty-nine thousand five hundred annually. The Chief Administrative Assistant to the Mayor employed hereunder must reside within the municipality during the term of his employment. He must have had at least five years experience in public or private business in an executive or managerial capacity; provided, however, a majority of the Council shall have the authority to approve the appointment of a person having different qualifications upon the recommendation of the

Mayor. Said Chief Administrative Assistant to the Mayor shall not be subject to the provisions of any merit system, but should he become a member of such merit system at the time of his appointment, upon termination of such appointment, he shall have the right to return to the same or higher classification under such merit system with full credit for time spent as such Chief Administrative Assistant as if he had continued in his merit system classification. Appointees under this Act may become members of any pension system applicable to general city employees provided application for such membership be made to the board or other authority administering such pension system within thirty (30) days of appointment. This Act shall not limit the authority of said Mayor to appoint other employees of said municipality under the applicable merit or civil service system, or otherwise, where authorized by any other law.

Section 2. All laws inconsistent herewith are hereby superseded by the provisions of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Hilliard	Miller	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
deGraffenried	Lemaster			—25

Nays:

—0

And said Bill, S. B. 91, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Denton	Little	Pearson	
Bailey	Goodwin	Martin	Smith	
Barron	Gulledge	McDonald	Taylor	
Britnell	Hilliard	Miller	Teague	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
deGraffenried	Lemaster			—25

Nays: Messrs.: Hall and White.

—2

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 30. HONORING JUDGE BEN REEVES UPON HIS RETIREMENT AS PROBATE JUDGE, PIKE COUNTY, ALABAMA.

Also:

S. J. R. 27. COMMENDING CAPTAIN ED LIGHTSEY UPON HIS RETIREMENT AS A STATE CONSERVATION OFFICER.

Also:

S. J. R. 29. COMMENDING 1981 ALL-AMERICAN JOHN HAND OF SYLACAUGA HIGH SCHOOL.

On motion of Mr. McDonald, said Resolutions were then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 26. FURTHER CLARIFYING THE LEGISLATIVE INTENT FOR SECTION 9 OF ACT NO. 81-1183, H. 71, THIRD SPECIAL SESSION, 1981, RELATIVE TO APPROPRIATIONS FOR PUBLIC EDUCATION INSTITUTIONS AND CERTAIN DEFINITIONS, AND DIRECTING COMPLIANCE FORTHWITH.

On motion of Mr. Teague, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 74. COMMENDING MISS JAMIE HENDRIX UPON BEING CHOSEN ALABAMA JUNIOR MISS OF 1982.

On motion of Mr. Lemaster, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 71. MOURNING THE DEATH OF MRS. MATHILDA HOGAN STEPHENS OF GULFPORT, MISSISSIPPI.

Also:

H. J. R. 67. COMMENDING MR. J. LEWEL SELLERS FOR OUTSTANDING LEADERSHIP IN STATE CONSERVATION EFFORTS.

Also:

H. J. R. 65. MOURNING THE DEATH OF MR. THOMAS DAME-
RON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND
PHILANTHROPIST.

Also:

H. J. R. 62. HONORING MR. THOMAS WAYNE GLOOR, PROM-
INENT ALABAMAIN, DISTINGUISHED PUBLIC SERVANT AND PAT-
RIOT.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To create the Alabama Long Term Nursing Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

as amended, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

Mr. White offered the following substitute for the Bill, S. B. 58, as amended, to-wit:

SUBSTITUTE FOR S. B. 58

A BILL TO BE ENTITLED AN ACT

To create the Alabama Long Term Nursing and Children's Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes, high risk nursery, and children's care hospitals participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Alabama Long Term Nursing and Children's Care Commission Act"

Section 2. The Legislature finds and declares that the expenditures of State funds for the reimbursement of nursing homes is of vital concern to the people of this State. It is therefore the intent of this Act to provide a uniform and equitable system for reimbursing facilities which provide long term nursing and pediatric care services to eligible recipients under the Medical Assistance Program; and to promote the efficient and economic delivery of quality long term hospital nursing care services paid for by the Medical Assistance Program through the establishment of a reimbursement system which assures that rates are determined with concern for the financial viability of nursing homes, high risk nurseries, and pediatric care hospitals, and their costs of providing such services.

The Legislature and Administration found, and declared by Resolution, the expenditure of State funds for reimbursement of necessary services for children and children's inpatient hospital expenses to be of vital concern for the future of this State. It is, therefore, the intent of this Act to provide a

uniform and equitable system for reimbursing facilities which provide long term nursing care and high risk nursery care and children's care services to eligible recipients under the Medical Assistance Program, and to promote the efficient and economic delivery of pediatric hospital care services paid for by the Medical Assistance Program for the establishment of a reimbursement system which assures that rates are determined with concern for financial viability of long term nursing care and high risk nurseries and children's care hospitals and their cost of providing such services.

Section 3. Definitions. The following definitions shall be, unless the context otherwise requires, the meaning ascribed to the terms used in this Act.

(1) "Commission" means the Alabama Long Term Care Commission.

(2) "Long Term Nursing Care" means care provided in nursing home.

(3) "Nursing Home" means an eligible Skilled Nursing Facility or Intermediate Care Facility, or combination facility, participating in the Medical Assistance Program (Medicaid) under Title XIX of the Federal Social Security Act.

(4) "Public Member" means an individual serving an elected office of the State of Alabama.

(5) "Private Member" means an individual not currently holding an elected, appointed or merit position within the local, state or federal government.

(6) "Facility" means a nursing home.

(7) "Medical Assistance Program" means the state program and/or plan for providing medical services to eligible beneficiaries which entitles the state to federal matching funds under Title XIX (Medicaid) of the Federal Social Security Act.

(8) "Reimbursement Plan" means the compilation of federal and state statutes, guidelines and regulations determining the manner in which nursing homes, high risk nurseries, and children's care hospitals will be compensated by the state and generally expressed in the State Medicaid Reimbursement Manuals.

(9) "Reimbursement Methodology" means the actual federal and state statutes, guidelines, rules and regulations specifying the manner in which reimbursement shall be determined.

(10) "High Risk Nursery" is defined as a nursery capable of providing Level 1 intensive care for newborns as designated by the Alabama Perinatal Advisory Committee.

(11) "Children's Care Hospital" is a hospital capable of providing optimal pediatric intensive care and specialized care on a long term basis.

(12) "Children" are individuals 19 years old or less.

Section 4. there is hereby created and established the Alabama Long Term Nursing and Children's Care Commission which shall perform the functions specified in this Act and all powers and duties necessary to carry out these expressed functions.

Section 5. Membership. The Commission shall be comprised of the following seven public and four private members, each of whom shall have one vote on the Commission:

- (1) the Finance Director of the State of Alabama;
- (2) a member of the Alabama State Senate to be appointed by the Lieutenant Governor;
- (3) a member of the Alabama State House of Representatives to be appointed by the Speaker of the State House of Representatives;
- (4) the Chairman of the House Ways and Means Committee;
- (5) the Chairman of the State Senate Finance and Taxation Committee;
- (6) the Chairman of the Senate Health Committee;
- (7) the Chairman of the House Health Committee;
- (8) a certified public accountant to be selected by the other members with the advice of the nursing home industry and who shall have a minimum of five years experience in preparing nursing home cost reports, and who shall not be an employee of the State or Federal government, and who shall have been a citizen of the State for a minimum of five years, and;
- (9) a representative of the nursing home industry to be selected by the other members with the advice of the nursing home industry as expressed through its Association.
- (10) a representative for the children of the State of Alabama to be selected by the other members with the advice of The Alabama Chapter of the American Academy of Pediatrics.
- (11) the Chairman of the State Perinatal Advisory Committee.

Section 6. Term of Office. The seven public members shall serve for the duration of their term in public office on their term as Chairman of a committee in the State Legislature which results in their eligibility for service on the Commission. The four private members shall each serve a two-year term which shall begin on the second Tuesday after the first Monday in February of each odd numbered year except that no one individual may serve more than three consecutive terms on the Commission as a private member. The initial private members shall be selected within sixty (60) days after the effective date of this Act and shall serve until their successors are selected in February of the next odd numbered year following their appointment. A vacancy shall occur when any private member is rendered incapable of continuing to serve or perform the duties of the Commission. Within 30 days the Chairman shall, with the advice of the nursing home industry or the Alabama Chapter of the American Academy of Pediatrics and the consent of a majority of the members of the Commission, appoint a qualified replacement to fill the vacancy and serve the unexpired balance of that term.

Section 7. Organization. As soon as possible after the selection of its private members, the Commission shall organize for the transaction of business. The Commission Chairman and the Vice-Chairman shall be selected by the Commission from among its public members. The Commission shall appoint a person to be the Director of Long Term Nursing and Children's Care within the Alabama Medicaid Agency. The Director shall be a person who is not a current or past member of the Commission, who shall not have

any financial interest in the rendering of long term nursing care, and who shall be either a public accountant with administrative experience in a medical care or health program or a person holding a graduate degree in medical care administration, public health, hospital administration, or the equivalent, or has experience in the rendering of long term nursing care, and who shall serve at the will and pleasure of the Commission. The Director shall oversee the administration of nursing home and children's reimbursement by the Alabama Medicaid Agency, shall be the official secretary and legal custodian of the records of the Commission, shall be the agent of the Commission for the purpose of receiving all service of process, summons, and notices directed to the Commission, shall administer the regulation precedence determination duties of the Commission, and shall perform such other duties as the Commission shall from time to time prescribe. The staff of the Alabama Medicaid Agency administering nursing home reimbursement shall be at the disposal of the Director except that the Agency shall provide for an administrative assistant and such secretarial assistance as the Director shall require and who shall serve at the Director's pleasure. The Compensation of the Director shall be fixed by the Commission, but shall not exceed the highest compensation paid to any other state agency Director.

Section 8. Expenses of Members. The members of the Commission shall serve without compensation, but shall be reimbursed for expenses at the rate of \$100.00 per day, not to exceed \$15,000.00 per year, for those days spent on Commission duties except that the public members shall receive one-half of the per diem when the legislature is in session. The members may in addition be reimbursed for other reasonable expenses incurred in the performance of his or her duties as determined by the Commission.

Section 9. Quorum and Meetings. The Commission shall hold at least six (6) meetings per calendar year, one meeting being held at least every 62 days, and such additional meetings as may be necessary to transact its business. Three (3) public members and one (1) private member shall constitute a quorum. The affirmative vote of a majority of the public members in attendance and one private member shall be necessary to authorize any Commission action. Meetings shall be called by the Chairman or by any three (3) members on a minimum of five days notice. All meetings of the Commission shall be open to the public and all Commission records shall be available for public inspection.

Section 10. The Commission shall adopt an official seal.

Section 11. The Commission shall have an office provided by the Alabama Medicaid Agency, shall use its facilities for meetings if necessary, and shall have its direct administrative costs included in the Alabama Medicaid Agency administrative budget.

Section 12. The Commission shall annually prepare and submit to the Governor and the legislature a proposed budget for long term nursing care. The proposed long term nursing care budget shall be a distinct item within the proposed budget of the Alabama Medicaid Agency.

Section 13. The Commission shall adopt bylaws and shall promulgate regulations necessary to carry out the provisions of this Act.

Section 14. The Commission shall have the sole authority to establish the state reimbursement methodology for long term nursing care and pediatric care services and to direct changes in the state reimbursement plan to insure compliance with said methodology.

Section 15. The Commission shall have the authority to overturn an administrative decision of the Alabama Medicaid Agency if the Commission determines that said decision is in conflict with or contrary to the letter and/or spirit of the state reimbursement methodology. The Commission shall serve as the recourse for appeal within the Alabama Medicaid Agency for nursing home administrators, children's care hospital administrators, owners and/or their representatives when appealing actions taken by the Agency in its administration of the state reimbursement methodology. The Commission shall periodically meet to grant fair hearings for the purpose of this section. Commissioners may appoint proxies to represent them at fair hearing sessions of the Commission. Proxies so appointed may not be parties with financial interest in the outcome of the hearing or employees of the State. Expenses of proxies shall be reimbursed, not to exceed \$50.00 per day.

Section 16. The Commission shall determine, through administrative procedures implemented by the Director of Long Term Nursing and Children's Care, which regulation takes precedence when a nursing home, high risk nursery, or children's care hospital is directed by any two (2) or more state or local government organizations, agencies or administrative bodies to undertake two (2) or more separate, distinct and/or conflicting courses of action with regard to the operation and/or physical plant of said nursing home. In making such precedence determinations, the Commission shall adhere to the following:

(1) Determinations of precedence shall be made within three (3) working days or not more than one (1) calendar week of notification of the need for said determination.

(2) Requests for determinations of precedence shall be accepted only from nursing home high risk nurseries and children's care hospital administrators or owners or their authorized representative.

(3) The Commission shall make determinations of precedence on request and shall not solicit, seek out or make in advance of actual regulation conflict any precedence determination.

(4) The Commission shall make its precedence determination records available to any governmental body, nursing home owner, nursing home administrator or authorized nursing home representative, high risk nursery administrator, or children's care hospital administrator. The Commission is allowed to set a fee for any reproduction cost with such proceeds being placed as a credit in the Commission's operating fund.

(5) Notification by telephone of a need for a determination of precedence shall be valid for the purposes of (1) above except that all telephone notifications shall be verified for authenticity with (1) above applying from the date of authentication.

(6) Upon completion of a determination of precedence, the Commission shall notify all involved parties in writing of the outcome except that the nursing home initiating the action may also be notified by telephone for the purpose of (1) above.

(7) Federal regulations, Federal and state statutes, decisions of the State Supreme Court, Federal and State Court orders, and the Constitutions of the United States and the State of Alabama shall take precedence over any directive, rule or regulation issued by any state executive agency, State independent agency, State Commission, city council, county commission, city manager, mayor or any other state, county or municipal government entity which affect nursing home operations.

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(8) In all instances not covered by (7) above, state regulations shall take precedence over regulations issued by any county or municipality.

(9) The Commission will not make determinations of precedence for conflicting county, or for conflicts between county and municipal, regulations.

(10) Notwithstanding (7), (8), and (9) above, consideration shall be given to the enhancement of quality of nursing care, feasibility for the facility in question, unreasonable cost and/or additional staffing expense or diversion of staffing resources when making a determination and such considerations may be expressed in the written notifications.

(11) Notwithstanding (7), (8), and (9) above, any determination of precedence requiring a direct expenditure by the facility in excess of \$1,000.00 may be appealed to the Commission for reversal through the Commission's fair hearing process.

Section 18. Any nursing home administrator, owner or staff personnel adhering to the precedence determination of the Commission shall be exempt from any state, county or municipal fine or penalty resulting from non-compliance with the regulation or course of action determined not to have precedence.

Section 19. Any determination of precedence which would result in an expenditure in an area of allowable cost shall automatically guarantee the acceptance of that expenditure for reimbursement, regardless of and unrelated to the facility's per diem or annual rate.

Section 20. The Alabama Medicaid Agency as created by Executive orders No. 81 of June 1977 and No. 38 of March 2, 1981 shall be the single state agency to administer the State Medical Assistance Program as specified by Section 1902(a)(5), Title XIX of the Social Security Act and is hereby absolved of all responsibility for determining the State reimbursement methodology for nursing homes.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Goodwin	Kirkland	Smith
Britnell	Hall	Lemaster	Teague
Callahan	Harrison	Little	Weeks
Cook	Higginbotham	Martin	White
deGraffenried	Holmes		

—21

Nays:

—0

On motion of Mr. White, further consideration of the Bill, S. B. 58, as amended by the substitute, was postponed temporarily.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 40. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 51	36	Bonds, int. on, st. treas. to pay, alt. proc.
S. B. 35.	1	Paint labeling req.
S. B. 41	1	Selma-Dallas co. family practice ctr.
S. B. 52	36	AL. bd. of optometric scholarship awards, approp.
S. B. 97	32	Dogs, fighting of proh. penalties
S. B. 38	9	Muni., election procedures, regulate
S. B. 36	8	Muni., adopt council-manager gov't.
S. B. 37	9	Muni., election procedures, regulate
S. B. 169	32	AL. court of criminal appeals, hire staff, approp.

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 37. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 51.

On motion of Mr. Gulledge, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons	
Bailey	Hall	Little	Robertson	
Britnell	Harrison	Martin	Smith	
deGraffenried	Higginbotham	McDonald	Teague	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Keener			—21
<i>Nays:</i>				—0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 51. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Mr. Gullledge offered the following substitute for the Bill, S. B. 51, to-wit:

SUBSTITUTE FOR S. B. 51

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the City of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 36-17-8. Not less than one month nor more than two months before January 1 and July 1 of each year, the treasurer must certify to the Governor the amount of money which will probably be needed to pay the interest on the bonded indebtedness of the state falling due next thereafter and payable in the city of New York and at the treasury of the state. The governor shall thereupon, in writing, direct the comptroller to draw his warrant on the treasurer in favor of the treasurer for such amount, or so much thereof as the treasurer may deem necessary, to be paid out of any fund appropriated for the payment of interest on such indebtedness. Upon the receipt of such warrant, the treasurer shall enter the amount thereof, on the appropriate book of his office, to the credit of 'Interest Account,' and shall thereafter, from time to time, debit such account with amounts paid on such interest at the treasury, and at the fiscal agency provided for in section 36-17-6 and for the expenses necessarily incurred in providing for the payment of such interest.

"(a) Not less than fifteen nor more than thirty days before the due date of principal and interest on each of the respective issues of bonded indebtedness, the treasurer must certify to the comptroller the amount of money

needed to pay the principal and interest falling due on that date, and for any expenses necessarily incurred by the fiscal agent in the discharge of its duties. The comptroller shall draw his warrant on the treasury in favor of the treasurer for such amount to be paid out of any fund appropriated for the payment of principal and interest.

"There is hereby appropriated from the General Fund sufficient amounts to pay fiscal agent fees which are necessarily incurred by the fiscal agent in the payment of principal and interest. The comptroller shall draw his warrant on the treasury in favor of the treasurer for the payment of fees necessarily incurred.

"(b) Not more than two business days before the actual due date of principal and interest, the treasurer shall remit to the fiscal agent by wire transfer or draft, the total amount of principal, and interest, of the fiscal agent due on said bonds.

"(c) For the purpose of paying principal and interest on any issues of bonded indebtedness, the treasurer shall designate at least two banks, one or more within the State of Alabama and one or more within the City of New York.

"(d) In the event that any issues of bonded indebtedness existing, prior to the date of enactment of this section, provide by the terms of the issue an alternate means of paying principal and interest, including but not limited to the establishment of a sinking fund or advance payment shall be made in accordance with the terms of such bond indenture.

§ 36-17-10. It is the duty of the fiscal agent in the city of New York to pay the interest on the bonded indebtedness of the state, upon presentation of the proper coupons and checks and, upon payment, to immediately cancel such coupons and checks and to forward the same to the treasurer, by express or otherwise, as he may direct directed."

Section 2. Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, are hereby specifically repealed, and all laws or parts of laws which are in conflict or are inconsistent with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Denton	Holmes	McDonald	Teague
Goodwin	Keener	Miller	Vacca
Gulledge	Kirkland	Mitchem	Weeks
Hall	Lemaster	Robertson	White

—23

Nays:

—0

And said Bill, S. B. 51, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	Taylor
Britnell	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Kirkland	Robertson	Weeks
Gulledge	Little	Smith	White
Hall	Martin		

—21

Nays: —0

Mr. Gulledge requested and received unanimous consent to add the name of Mr. Denton as co-sponsor of the above Bill.

RESOLUTION

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 41. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 35.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Mitchem:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was then adopted by the Senate.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Harrison	Martin	Robertson
Bailey	Higginbotham	McDonald	Smith
Britnell	Holmes	Miller	Taylor
deGraffenried	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Parsons	Weeks
Hall	Little		

—21

Nay: Mr. White. —1

BILLS ON THIRD READING RESUMED

The Bill:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Hall	Kirkland	Robertson	
Bailey	Harrison	Little	Smith	
Britnell	Higginbotham	McDonald	Taylor	
deGraffenried	Holmes	Miller	Vacca	
Goodwin	Keener	Mitchem	Weeks	
Gulledge				—20

Nay: Mr. White.	—1
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REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 18. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 41.

On motion of Mr. Goodwin, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Taylor	
Bailey	Higginbotham	McDonald	Teague	
Britnell	Holmes	Miller	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Smith	White	
Goodwin	Little			—21

Nays:	—0
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REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. COMMENDING MR. ED TUNNELL OF BAY MINETTE, ALABAMA, ASSOCIATE COUNTY AGENT FOR BALDWIN COUNTY.

Also:

S. J. R. 5. MOURNING THE DEATH OF MR. DENNIS B. HOWELL, JR., OF BAY MINETTE, ALABAMA.

Also:

S. J. R. 7. DESIGNATING THE CITY OF SELMA AS THE BUTTERFLY CAPITAL OF ALABAMA.

Also:

S. J. R. 10. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE OF AUBURN UNIVERSITY, ALABAMA RIVER WOODLANDS, INCORPORATED, AND THE MONROE COUNTY COMMISSION.

Also:

S. J. R. 11. COMMENDING THE AMERICAN TREE FARM SYSTEM FOR ITS EFFORTS TO PROMOTE FORESTRY AND PETITIONING THE AMERICAN FOREST INSTITUTE TO HOLD ITS GOLDEN ANNIVERSARY TREE FARM CELEBRATION ON AN ALABAMA TREE FARM IN 1991.

Also:

S. J. R. 15. COMMENDING COACH DANNY FORD OF CLEMSON UNIVERSITY, NATIONAL U.P.I. AND EASTMAN KODAK "FOOTBALL COACH OF THE YEAR."

Also:

S. J. R. 16. HONORING MR. LENNY SKUTNIK AS A MAN OF NOBLE COURAGE AND DEEDS.

Also:

S. J. R. 17. MOURNING THE TRAGIC AND UNTIMELY DEATH OF COLONEL EDWARD R. COBB OF MOBILE, ALABAMA.

Also:

S. J. R. 22. COMMENDING MRS. ELVA BRINDLEY FRAZIER, PROMINENT DECATUR, ALABAMA, CIVIC AND POLITICAL LEADER.

Also:

S. J. R. 23. COMMENDING BOAZ POLICE LIEUTENANT MARK W. COFIELD, DETECTIVE DONALD WIGGINS, FIRE CHIEF JACKIE NICHOLSON AND FIREMEN JIMMY KENNAMER AND TROY COLINS.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds

appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Teague
Goodwin	Lemaster	Parsons	Vacca
Gulledge	Little	Robertson	White

—19

Nays:

—0

RESOLUTION

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 42. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 52.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Teague:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

On motion of Mr. Teague, the Rules were suspended and the Resolution was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	deGraffenried	Goodwin
Bailey	Cook	Denton	Gulledge

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Hall	Kirkland	Miller	Taylor	
Harrison	Lemaster	Mitchem	Teague	
Higginbotham	Little	Parsons	Vacca	
Holmes	Martin	Smith	Weeks	
Keener	McDonald			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 52. To create the Alabama board of Optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
deGraffenried	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Keener	Parsons	White	
Gulledge	Kirkland	Robertson		22
<i>Nay:</i> Mr. White.				—1

FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended.

Mr. Barron offered the following amendment to the Bill, S. B. 58, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 58, AS AMENDED BY SUBSTITUTE

Amend Senate Bill No. 58 as substituted Page 3 Line 32, by striking out subparagraph (8) and inserting in lieu thereof the following:

"(8) A Certified Public Accountant with experience in nursing home accounting to be selected by the other members with the advice of the nursing home industry and the Alabama Society of Certified Public Accountants; such Certified Public Accountant shall not be an employer of the State or Local government, and shall have been a citizen of Alabama for a minimum of five (5) years; and

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Hall	Holmes
Bailey	Denton	Higginbotham	Keener
Barron	Goodwin	Hilliard	Kirkland

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Little	Mitchem	Taylor	Weeks	
Martin	Parsons	Teague	White	
Miller	Robertson	Vacca		—22
<i>Nays:</i>				—0

Mr. Barron then offered the following amendment to the Bill, S. B. 58, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 58, AS AMENDED BY
SUBSTITUTE, AS AMENDED

Amend Senate Bill No. 58 as substituted Page 4 Line 22, by striking out the last sentence of Section 6 and substituting in lieu thereof the following:

“Within 30 days the Chairman shall, with the consent of a majority of the members of the Commission, appoint a qualified replacement to fill the vacancy and serve the unexpired balance of that term.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	Taylor	
Barron	Hilliard	Martin	Teague	
deGraffenried	Holmes	McDonald	Vacca	
Denton	Keener	Parsons	Weeks	
Goodwin	Kirkland	Robertson	White	
Hall				—20

Nays: —0

Mr. Barron then offered the following amendment to the Bill, S. B. 58, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 58, AS AMENDED BY
SUBSTITUTE, AS AMENDED

Amend Senate Bill No. 58 as substituted Page 5 Line 3, by inserting the word “Certified” immediately before the word “public.”

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Barron	Higginbotham	Martin	Taylor	
Britnell	Holmes	McDonald	Teague	
deGraffenried	Keener	Miller	Vacca	
Denton	Kirkland	Mitchem	White	
Goodwin				—20

Nays: —0

Mr. Barron then offered the following amendment to the Bill, S. B. 58, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 58, AS AMENDED BY
SUBSTITUTE, AS AMENDED

Amend Senate Bill No. 58 as substituted Page 5 Line 24, by striking out "not to exceed \$15,000.00 per year" after the word "day," and by inserting the following at the end of the Section 8 on line 29:

"The total expenses of the Commission shall not exceed the sum of \$15,000.00 per annum."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	Parsons
Barron	Hilliard	Martin	Taylor
deGraffenried	Holmes	McDonald	Teague
Goodwin	Keener	Miller	Vacca
Gulledge	Kirkland	Mitchem	White
Hall			

—20

Nays: —0

Mr. Barron then offered the following amendment to the Bill, S. B. 58, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 58, AS AMENDED BY
SUBSTITUTE, AS AMENDED

I move to amend Senate Bill No. 58 as substituted Page 5 Line 33, by striking out the following after the word "business":

"Three (3) public members and one (1) private members shall constitute a quorum."

and substituting in lieu thereof the following:

"Four (4) public members and two (2) private members shall constitute a quorum."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Teague
Bailey	Higginbotham	Martin	Vacca
Barron	Hilliard	Miller	Weeks
deGraffenried	Holmes	Parsons	White
Goodwin	Keener	Taylor	

—18

Nays: —0

And said Bill, S. B. 58, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Higginbotham	Martin	Taylor	
Barron	Holmes	McDonald	Teague	
deGraffenried	Keener	Miller	Vacca	
Goodwin	Kirkland	Mitchem	Weeks	
Hall	Lemaster	Robertson	White	
Harrison	Little	Smith		—22

<i>Nay:</i> Mr. Hilliard.	—1
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RESOLUTION

Mr. Higginbotham offered the following Senate Resolution, to-wit:

S. R. 43. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 97.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Higginbotham:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Taylor	
Barron	Holmes	Miller	Teague	
deGraffenried	Keener	Mitchem	Vacca	
Denton	Lemaster	Parsons	Weeks	
Goodwin	Little	Robertson	White	
Harrison	Martin	Smith		—22

<i>Nays:</i>	—0
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BILLS ON THIRD READING RESUMED

The Bill:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
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Yeas 19; Nays 2.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Callahan	Harrison	McDonald	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Vacca
Goodwin	Lemaster	Parsons	White

—19

Nays: Messrs. Kirkland and Teague. —2

Mr. Little requested and received unanimous consent to have his name added as co-sponsor of the above Bill.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of H. J. R. 287, Regular Session 1981, the report of the Joint Interim Committee on Prison Work-Release Programs was read and ordered filed with the Secretary.

ADJOURNMENT

At 3:10 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 2, 1982, at 2 o'clock P.M.

SEVENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 2, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Don Cooper, Pastor, Calvary Baptist Church, Scottsboro, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hillard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 58. To create the Alabama Long Term Nursing and Children's Care Commission to be the sole authority for determining and monitoring the method of reimbursement for nursing homes, high risk nursery, and children's care hospitals participating in the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act; to authorize said Commission to promulgate rules and regulations for the implementation and administration of said methodology; to establish the Alabama Medicaid Agency as the single agency to administer the State Medical Assistance Plan, and for related purposes.

ALBERT McDONALD,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pearson:

S. 322. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Harrison:

S. 323. To provide for variable rate financing for manufactured housing.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 324. Relating to the Alabama state law enforcement officers; to provide for the method, manner, length of time in grade; and requires the State Personnel Department to publish at least one (1) year before each test, a list of the books from which said promotional tests are derived.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 325. To amend Section 36-29-7 of the Code of Alabama 1975 relating to the state employees' health insurance plan so as to further provide that coverage for dependents shall be paid by the employer.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 326. To amend §12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide

credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 327. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pike County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Weeks:

S. 328. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided by such tax is approved by a majority of the qualified electors of the county who vote thereon.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Hall (with notice and proof):

S. 329. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 329, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Figures:

S. 330. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered

voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Committee on Governmental Affairs.

By Mr. Figures:

S. 331. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and no teachers or employees shall lose any pay because of availing itself of the provisions of this Act.

Committee on Education.

By Mr. Proctor:

S. 332. To amend Section 26-7A-1 and 26-7A-10, Code of Alabama 1975, to provide that all probate courts may, in the exercise of their judicial discretion, appoint a curator for certain persons and provides for the appointment of "limited curators".

Committee on Judiciary.

By Mr. Gullledge:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Committee on Judiciary.

By Mr. White:

S. 334. To provide that in all civil actions in the courts of the State of Alabama, judgments for money damages shall be limited to compensatory damages only, except in actions for wrongful death; to provide that any judgment for punitive damages be limited to a maximum amount of \$500,000.00; to provide that in any judgment for punitive damages in excess of \$100,000.00, the court, in its discretion, may order periodic payment of the award.

Committee on Judiciary.

By Mr. Weeks.

S. 335. To allow city and county boards of education to pay the actual expenses of their legal counsel attending legal seminars and workshops on developments in school law.

Committee on Education.

By Messrs. Robertson, Britnell, Denton, Goodwin, Barron, Harrison, Lemaster, Glass, Little and Higginbotham:

S. 336. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the

Teachers' Retirement System or under the Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more upon services as an employee of an employer participating under Section 36-7-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to regulate and provide for the payment of such additional benefits; to make appropriations to cover the cost of such additional cost-of-living benefits; and to repeal conflicting laws.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 338. To exclude certain officers and persons of any authority or district, established pursuant to Sections 11-88-15 and 11-89-15, Code of Alabama 1975, relating to water, sewer, water disposal and fire protection authorities and districts, from liability for civil damages or in tort, arising out of certain of their actions or conduct, committed or omitted, in connection with the furnishing of fire protection service or the operation of any fire protection facility when operating certain equipment therefor; to specifically provide the provisions of this act do not abridge any other right to immunity any such person otherwise is entitled.

Committee on Judiciary.

By Mr. Proctor:

S. 339. To amend Section 20-2-53, Code of Alabama 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewal of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that the provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

Committee on Health and Welfare.

By Mr. Proctor:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

Committee on Health and Welfare.

By Messrs. Lemaster and McDonald:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 342. To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registers, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

Committee on Finance and Taxation.

By Mr. Hilliard:

S. 343. To provide for more effective and efficient services to the economically disadvantaged citizens of the state; to create a state Department of Community Services; to prescribe its powers and duties; to provide for the appointment of a director of Community Services as executive and administrative officer, and the appointment of other employees; to provide for the appointment of community action boards to administer certain community action programs authorized by this act; to establish and provide for the State Advisory Council on Economic Opportunity; to authorize the director of Community Services to provide financial assistance to community development entities in certain instances; to prescribe penalties for certain violations; and to provide for certain youth recreation and sports programs.

Committee on Governmental Affairs.

By Messrs. Goodwin, Little, Taylor and White:

S. 344. To amend Section 32-6-7, Code of Alabama 1975, relating to persons ineligible for the issuance of driver's license for motor vehicles, so as to provide further therefor.

Committee on Education.

By Mr. Hilliard:

S. 345. To further amend Chapter 24 of Title XVI of the Code of Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for the notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to

non-reemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and deleting 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, hearing of appeals, and meetings of the Alabama State Tenure Commission, and amends Chapter 24 to provide for direct appeals of the Tenure Commission rulings to the Alabama Court of Civil Appeals.

Committee on Education.

By Mr. Goodwin:

S. 346. To amend Section 40-6-1 which pertains to supernumerary tax collectors, tax assessors and license commissioners, so as to authorize credit for time served as a chief deputy sheriff.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 347. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of probate judges so as to provide that the probate judge in each county in which such probate judge is paid a salary in lieu of fees, shall receive from that county a total annual compensation equal to ninety percent (90%) of the total annual compensation paid by the state and county to the presiding circuit judge in the judicial circuit serving such county; to delete certain minimum pay provisions; and to provide that the provisions of this section shall not affect the compensation of probate judges of counties where said judges receive a total compensation in excess of the amounts provided under subsection (a) of this section.

Committee on Finance and Taxation.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 25. COMMENDING "SOUTHWIND DRUM AND BUGLE CORPS" IN THEIR SECOND YEAR OF OPERATION.

Also:

H. J. R. 28. COMMENDING MR. SAVAGE J. WHISENHUNT, SR., RETIRED ALABAMA EDUCATOR.

Also:

H. J. R. 11. COMMENDING THE GREATER SAINT PAUL A.M.E. CHURCH OF FLORENCE, ALABAMA, AND ITS PASTOR, THE REVEREND PERCY W. JONES.

Also:

H. J. R. 63. COMMENDING AND EXPRESSING APPRECIATION TO THE MONTGOMERY POLICE DEPARTMENT AND CITY WORK CREWS FOR THEIR EFFORTS DURING THE RECENT SNOW, ICE STORM AND SUB-FREEZING WEATHER.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 33. COMMENDING THE 1981 GOLF TEAM AND COACH ANTHONY DRAGOIN OF AUBURN UNIVERSITY.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 31. CREATING A SELECT COMMITTEE TO DESIGN AND TO PROVIDE FOR THE MANUFACTURE, PURCHASE AND DISTRIBUTION OF IDENTIFYING LAPEL PINS FOR MEMBERS OF THE ALABAMA LEGISLATURE.

On motion of Mr. Denton, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 68. COMMENDING GARDENDALE HIGH SCHOOL'S FOOTBALL TEAM.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 68, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 68

H. J. R. 68. COMMENDING THE GARDENDALE HIGH SCHOOL ROCKETS, 1981 REGION 6, CLASS 4A, FOOTBALL CHAMPIONS.

WHEREAS, Gardendale High School's Football Team, under Head Coach Ed Bruce, has compiled an outstanding record, participating in the State Play-offs four out of the last five years; and

WHEREAS, this past year, the Gardendale High School Rockets finished in the quarter finals in the State 4A Play-offs with a record of 10-2 for the season, including four shut-outs, and with 357 points scored to their opponents' 83; and

WHEREAS, credit for the spectacular '81 season, which ended with the Region 6, Class 4A Championship for the Rockets, goes to each and every member of the team, all of whom performed brilliantly on the field all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Herbert Edwin "Ed" Bruce, Jr., and his Gardendale High School Champions.

BE IT FURTHER RESOLVED, That the Rockets receive a copy of this resolution, presented to Coach Bruce on the team's behalf, with a copy also provided for appropriate school display.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 68, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 69. COMMENDING COACH HERBERT EDWIN (ED) BRUCE, JR., GARDENDALE, ALABAMA.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 69, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 69

H. J. R. 69. COMMENDING COACH HERBERT EDWIN BRUCE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in its desire to recognize individuals of exceptional achievement in their chosen field of endeavor, the Alabama Legislature today notes with utmost commendation the outstanding career of Coach Herbert Edwin "Ed" Bruce, Jr., of Jefferson County's Gardendale High School; and

WHEREAS, Coach Bruce, who as a quarterback on his Hewitt-Trussville High School varsity squad was named All-county, also enjoyed an outstanding collegiate career as quarterback and defensive back at the University of Chattanooga and at Maryland College where he was named "All Conference Player"; and

WHEREAS, a high school football coach for the past 18 years, Coach Bruce was named the Birmingham News "Coach of the Year" in 1971, while at Phillips High School, and was again honored in 1979 as "Coach of the Year" by the University of Tennessee Alumni Club; and

WHEREAS, Coach Ed Bruce, now in his seventh year at Gardendale High School, has continued to excel as a coach, as throughout his career, launching the "Rockets" to the State Play-offs four out of the last five years and to a 10-2 record this past season and the Region 6 4A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Herbert Edwin Bruce, Jr., of Gardendale High School on his outstanding career and direct that a copy of this resolution be provided for Coach Bruce, his wife, Charlotte, and their daughter, Rebecca Kay; for his parents, Mr. and Mrs. Herbert E. Bruce, and for Gardendale High School for appropriate display.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 69, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 70. COMMENDING JEFF PARKS, GARDENDALE HIGH SCHOOL FOOTBALL TEAM.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 70, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 70

H. J. R. 70. COMMENDING JEFF PARKS OF GARDENDALE HIGH SCHOOL FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

WHEREAS, Jeff Parks, varsity tight end on the Gardendale High School football team, has been named "Player of the Year" by the Gardendale and Fultondale Kiwanis Club; and

WHEREAS, on January 25, 1982, Jeff also was honored by the Birmingham Touchdown Club as "Lineman of the Year"; and

WHEREAS, during Jeff Parks' senior year at Gardendale High, he not only made "All County" and "All State," but was included as well on the "Prep All American Team" of the National High School Athletic Coaches Association; and

WHEREAS, although Jeff is to be congratulated as one of the most heavily recruited athletes in the South, he also is to be commended for outstanding academic achievement; he is an excellent student, rating in the top 20% of his graduating class with a 2.96 gradepoint average; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Jeff Parks of Gardendale, Alabama, for outstanding athletic and scholastic achievement.

BE IT FURTHER RESOLVED, That Jeff receive a copy of this resolution that he may know of our high regard, with copies also provided for his parents, Cecil and Joyce Parks, and for appropriate display at Gardendale High School.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 70, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 31. DIRECTING ALL ELECTED COUNTY OFFICIALS IN JEFFERSON COUNTY TO TAKE CERTAIN ACTION TO FORTHWITH ALLEVIATE THE ECONOMIC PLIGHT OF THEIR COUNTY PUBLIC EMPLOYEES.

Messrs. Cook, White, Parsons, and Pearson offered the following substitute for the Resolution, H. J. R. 31, to-wit:

SUBSTITUTE FOR H. J. R. 31

H. J. R. 31. DIRECTING ALL ELECTED COUNTY OFFICIALS IN JEFFERSON COUNTY TO TAKE CERTAIN ACTION TO FORTHWITH ALLEVIATE THE ECONOMIC PLIGHT OF THEIR COUNTY PUBLIC EMPLOYEES.

WHEREAS, it has come to the attention of the Alabama Legislature that pay increase requests by elected officials in Jefferson County create a constant flow of legislation in Montgomery; and

WHEREAS, the frequency of such requests by some of the said elected officials have become almost "a way of life"; and

WHEREAS, it further has come to the attention of the members of the Alabama Legislature that county public employees have not had the enjoyment of salary increases and cost-of-living increases to alleviate their economic plight as frequently as the requests by the said county elected officials; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct all elected county officials in Jefferson County to forthwith devote as much attention to alleviate and relieve the economic situation and plight that their employees are experiencing as such county officials request and expect the members of the Alabama Legislature from Jefferson County to devote in order to relieve the same conditions for themselves.

BE IT FURTHER RESOLVED, That the Jefferson County legislative house delegation originate legislation that will provide ways and means for funding the cost of the provisions of this resolution.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to each county elected official in Jefferson County.

Which was adopted.

And on motion of Mr. Cook, said Resolution, H. J. R. 31, as thus amended by the substitute, was then concurred in and adopted by the Senate.

MOTIONS IN WRITING

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 11, on page 33 of the Seventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 11, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Teague then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 28, on page 33 of the Seventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 28, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 44. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 11.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Teague:

S. 11. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Which was read and referred to the Standing Committee on Rules.

Mr. Teague then offered the following Senate Resolution, to-wit:

S. R. 45. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 28.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Teague:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 46. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 174	56	Education Budget
S. B. 38	6	Muni., election procedures, regulate
S. B. 36	5	Muni., adopt council-manager gov't
S. B. 37	6	Muni., election procedures, reg.
S. B. 49	24	Wills, intestate succession prov.
S. B. 169	27	AL. court of criminal appeals, hire staff, approp.

S. B. 246	54	Alabama Child Labor Act, exempt actors
S. B. 145	29	State Board of Pardons & Paroles, empl. incentive award
H. B. 171	44	Erection of jails by county commission

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 174. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Mr. Little moved that the Senate take a recess for fifteen minutes.

Mr. St. John offered a substitute motion that further consideration of the Bill, S. B. 174, be postponed temporarily, which motion was adopted.

Mr. Miller requested and received unanimous consent to bring up the Bill:

H. 171. To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements, and to permit said counties to erect a jail.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B. 171, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements; to permit said counties to erect a jail on any property owned by the county within the county unless provided otherwise by subsequent local law; and to provide that each county shall be required to maintain a jail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-14-10, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-14-10. The county commission shall erect courthouses, jails and hospitals and other necessary county buildings, and such county commission shall have authority to levy a special tax for that purpose. Each county within the state shall be required to maintain a jail within their county.

"In counties in which a circuit court has been or is hereafter authorized to be held in more than one place, the county commission may build courthouses in each place of holding court, and, in all counties wherein

a circuit court is authorized to be held or may hereafter be authorized to be held in more than one place for six months or more during any year, the county commission shall erect a courthouse and jail at each of such places where such court is held, such courthouses and jails to be adequate and commodious for the business of such court and county at such place. In said counties wherein a circuit court is authorized to be held or may hereafter be authorized to be held in more than one place for six months or more during any year, the county commission may erect and/or maintain a jail upon any property owned by the county located within the county. The legislature, by local act passed subsequent to the effective date of this act, may provide for the location of such jail. This section shall not affect in anywise any local law heretofore enacted that is not in conflict herewith."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Glass	Holmes	Mitchem	
Bailey	Goodwin	Keener	St. John	
Barron	Gulledge	Lemaster	Smith	
Britnell	Hall	Miller	Vacca	
deGraffenried				—16

Nays: —0

And said Bill, H. B. 171, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Smith	
Bailey	Gulledge	Little	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	St. John	White	
Glass				—20

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Alabama Institute for the Deaf and Blind.

Respectfully submitted,
BOB A DAVIS,
State Administrations Officer.

Done this 2nd day of February, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Robert J. Lager
(replacing Joe E. Basenburg, resigned)
59 North Monterey Street
Mobile, Alabama 36604
Term expires November 28, 1986

as a member of the Board of Trustees for Alabama Institute for the Deaf and Blind.

Respectfully,

FOB JAMES,
Governor.

Done this 2nd day of February, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees for Alabama Institute for the Deaf and Blind was read and referred to the Standing Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 113. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; providing a penalty for willfully making a false statement in connection with re-identification; and repealing Act No. 81-226, H. 663, 1981 Regular Session, (Acts 1981, p. 302).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

Nays:

—0

RESOLUTION

Mr. Hall offered the following Senate Resolution, to-wit:

S. R. 47. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 163.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Hall, Parsons, Hilliard, Vacca, White and Cook (with notice and proof) (With Amendment):

S. 163. Relating to Jefferson County; to provide certain health benefits to Jefferson County Pension System members who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid.

Which was read and referred to the Standing Committee on Rules.

BILL RE-REFERRED

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following Bill, S. B. 172, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 172, re-referred to the Standing Committee on Banking and Insurance.

RESOLUTION

Messrs. St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. CORDIALLY INVITING PRESIDENT RONALD REAGAN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE AND CALLING FOR SAID JOINT SESSION TO BE HELD ON MARCH 15, 1982.

WHEREAS, the Legislature of Alabama and all citizens of our state are highly honored to learn of the impending visit of President Ronald Reagan to the State of Alabama and to our Capital City of Montgomery; and

WHEREAS, we most particularly are pleased that the President's visit has been planned for a time when the Legislature is assembled in Regular Session, thereby providing us with the opportunity to cordially invite Mr. Reagan to address the Legislature, in Joint Session for the purpose of his appearance and for the purpose of hearing his remarks in general, and specifically in regard to the proposed new Federalism and its division and interaction of areas of responsibility between the federal government and the various states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby cordially invite President Ronald Reagan to appear before a Joint Session of the Alabama Legislature and, in hopeful anticipation of an acceptance, we further call for said

session to be held on March 15, 1982, and at a time to be set by the Legislature at the convenience of Mr. Reagan.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, by copy of this resolution, advise President Reagan of our cordial invitation and of our consideration of his acceptance as an honor and great privilege for the Legislature and the entire State of Alabama.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 14. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 38.

On motion of Mr. Martin, said Resolution was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs..	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	Martin	Teague	
deGraffenried	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	White	
Glass	Keener	St. John		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 38. To amend further Section 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-48-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Parsons	Teague	
Denton	Martin	Proctor	Vacca	
Goodwin	McDonald	St. John	White	
Gulledge				—20

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 12. DECLARING THE PROVISION OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 36.

On motion of Mr. Martin, said Resolution was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
deGraffenried	Harrison	Miller	Taylor
Denton	Holmes	Mitchem	Teague
Glass	Keener	Parsons	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little	St. John	

—22

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 36. To authorize any municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

was taken up.

Mr. Martin offered the following amendment to the Bill, S. B. 36, to-wit:

AMENDMENT TO S. B. 36

Amend S. 36, in the synopsis on page 1, line 6, by inserting after the word "any" the words and numerals "Class 2, 3, 4, 5, 6, 7, or 8".

Further amend S. 36, in the title, on page 1, line 23, by inserting the words and numerals "Class 2, 3, 4, 5, 6, 7, or 8" following the word "any" and before the word "municipality."

Further amend S. 36, on page 2, line 7, by deleting the word "city" and by inserting in lieu thereof the words and numerals "Class 2, 3, 4, 5, 6, 7 or 8 municipality".

Mr. Weeks moved that said amendment be laid on the table, which motion was lost.

On motion of Mr. Martin, said amendment was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Britnell	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Teague
Glass	Lemaster	Pearson	Vacca
Goodwin	Little	Proctor	White
Gulledge			

—24

Nays:

—0

And said Bill, S. B. 36, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Teague
Glass	Little	Pearson	Vacca
Goodwin	Martin	Proctor	White
Gulledge	McDonald	St. John	

—22

Nays:

—0

RESOLUTION

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 49. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 49.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. St. John:

S. 49. To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

On motion of Mr deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

REGULAR SESSION
7th Day

231

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Callahan	Higginbotham	McDonald	Taylor
deGraffenried	Hilliard	Miller	Teague
Denton	Holmes	Proctor	Vacca
Glass	Keener		—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 49. To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 62. HONORING MR. THOMAS WAYNE GLOOR, PROMINENT ALABAMIAN, DISTINGUISHED PUBLIC SERVANT AND PATRIOT.

Also:

H. J. R. 65. MOURNING THE DEATH OF MR. THOMAS DAME-
RON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND
PHILANTHROPIST.

Also:

H. J. R. 67. COMMENDING MR. J. LEWEL SELLERS FOR OUT-
STANDING LEADERSHIP IN STATE CONSERVATION EFFORTS.

Also:

H. J. R. 71. MOURNING THE DEATH OF MRS. MATHILDA
HOGAN STEPHENS OF GULFPORT, MISSISSIPPI.

Also:

H. J. R. 74. COMMENDING MISS JAMIE HENDRIX UPON
BEING CHOSEN ALABAMA JUNIOR MISS OF 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Manley:

H. J. R. 84. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Tuesday, February 2, 1982, we adjourn to meet again on Thursday, February 4; when we adjourn on Thursday, February 4, we adjourn to meet again on Tuesday, February 9; when we adjourn on Tuesday, February 9, we adjourn to meet again on Thursday, February 11; and when we adjourn on Thursday, February 11, we adjourn to meet again on Tuesday, February 16, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 84, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (with notice and proof):

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

By Rep. Warren (with notice and proof):

H. 264. Relating to Conecuh County; to provide for an additional clerk hire allowance for the tax assessor and to provide for retroactive effect.

FURTHER CONSIDERATION OF S. B. 49

The Senate proceeded to further consideration of the Bill, S. B. 49.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cates:

H. J. R. 29. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT OF ALL STATE FUNDS CREATED BY ACT NO. 81-250, H. J. R. 187 OF THE 1980 REGULAR SESSION.

WHEREAS, there is further need to study the management of all public funds involving any state monies whatsoever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee to study the management of state funds created by Act No. 80-250, H. J. R. 187 of the 1980 Regular Session is hereby extended for a period of one year.

Said committee shall continue to have the same powers, duties, functions, rights and privileges, and shall report their findings and recommendations to the legislature by the fifth legislative day of the 1983 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford and Drinkard:

H. J. R. 32. URGING THE RETIREMENT SYSTEMS OF ALABAMA TO IMPLEMENT A PLAN OF TAX DEFERMENT OF MEMBERS' CONTRIBUTIONS.

WHEREAS, the Teachers' Retirement System Board of Control has authorized a plan proposed by the University of Alabama to "pick up" employee contributions to the Teachers' Retirement System; and

WHEREAS, the effect of this plan is to taxshelter member contributions to the Retirement System; and

WHEREAS, the University has requested a ruling from the Internal Revenue Service stating that retirement contributions "picked up" by the University will not be included in gross income for federal income tax purposes and anticipates a favorable ruling from the I.R.S.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature urges the Retirement Systems of Alabama to move with all due speed to follow the example of the University of Alabama and the Teachers' Retirement System and "pick up" member contributions.

BE IT FURTHER RESOLVED, That we ask the Retirement Systems of Alabama to obtain an I.R.S. ruling on the subject and take any other steps necessary to implement the aforementioned plan.

HOUSE MESSAGE

The Resolution, H. J. R. 32, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 9. HONORING MRS. MARVA DELOISE NETTLES COLINS, NATIONALLY PROMINENT EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

Also:

S. J. R. 21. MOURNING THE DEATH OF MR. THOMAS DAME-
RON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND
PHILANTHROPIST.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Riddick:

H. J. R. 85. CALLING FOR A JOINT SESSION OF THE ALA-
BAMA LEGISLATURE ON FEBRUARY 11, 1982, AT 11:15 A.M.

WHEREAS, for our place of prominence in space exploration, America owes a debt of gratitude to the dedicated men and women of the National Aeronautics and Space Administration and to our courageous astronauts who are responsible for our nation's achievement in space; and

WHEREAS, it is also with deep pride that we look to our accomplishments and, most particularly, to those of the Marshall Space Flight Center in Huntsville, Alabama, where the propulsion system of the space shuttle Columbia was developed; and

WHEREAS, aboard the Columbia, on its maiden flight into space, was the flag of the State of Alabama, which is to be presented to Governor Fob James on behalf of the citizens of Alabama by Astronauts Joe Engle and Richard Truly, who successfully completed the shuttle's second orbital flight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on February 11, 1982, at 11:15 a.m., in the House Chamber, for the purpose of flag presentation ceremonies to Governor James by Astronauts Engle and Truly.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 85, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Blake and Rains:

H. J. R. 87. COMMENDING MR. BILL HAMILTON FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

Also:

By Reps. Blake and Rains:

H. J. R. 88. COMMENDING MR. JIM KACKER FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 87 and 88, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Rep. Dixon (with notice and proof):

H. 15. Relating to Montgomery County; authorizing the county commission to make annual grants towards the support of any museum of fine arts located within the county and repealing Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 15, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 390. Relating to the levy of additional sales and use taxes for purposes of the general fund in Covington County; authorizing the county governing body to levy and collect, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Title 40, Chapter 23 of the Code of Alabama 1975; and providing for collection and enforcement of taxes by the state department of revenue.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 390, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 15 and 390. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 49

The Senate proceeded to further consideration of the Bill, S. B. 49.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ray, Grimsley and Sasser (with notice and proof):

H. 337. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 337, as required in the General Acts of Alabama, 1979 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (R. G.) (with notice and proof):

H. 363. Relating to Coosa County; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and public driveways under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the public roads, bridges and ferries of Coosa County; and providing that the provisions of this act shall not become effective until approved at a referendum election held for such purpose.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 363, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 364. Relating to Coosa County; to provide that the associate county commissioners shall work on a part-time basis, to be effective only upon the

passage and approval of an act passed by the legislature in the 1982 Regular Session and approved by a majority of the electors of Coosa County which places the county on a unit system of road maintenance and provides for a county engineer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 364, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 372. Relating to Morgan County; amending further Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur, so as to provide further to the auditing procedure of the Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 372, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
CLERK.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 337, 363, 364, and 372. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cabaniss:

H. J. R. 98. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 98, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 49

The Senate proceeded to further consideration of the Bill, S. B. 49.

RESOLUTIONS

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

WHEREAS, the Jewish Community Center of Birmingham is celebrating its 75th anniversary; and

WHEREAS, the Center serves as a cultural, educational and recreational facility for people of all ages and creeds; and

WHEREAS, the Center provides activities, programs and facilities for the educational, moral, social and physical needs of its members; and

WHEREAS, the Center employs a staff of trained and talented teachers, group workers, physical educators and cultural arts specialists to provide members with opportunities for the development of new talents and skills; and

WHEREAS, the Center offers more than 300 different classes, meetings, activities and events each year not only for the benefit of its more than 5,000 members, but for thousands of other people in the community as well; and

WHEREAS, in serving its cultural role, the Center provides a home for the more than 100-voice Birmingham Civic Chorus, a stage for the actor's company known as the Center Players, and sponsors frequent exhibits by local artists; and

WHEREAS, the Center, with its multitude of programs and activities, evolved over a period of three-quarters of a century, having its beginnings in a rented house and having experienced periods of both progress and stagnation, hope and despair; and

WHEREAS, the Center's very survival and its great success are the result of the work of many dedicated supporters; and

WHEREAS, the Center has become an enduring symbol of unity and strength and occupies a unique place in the Birmingham community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Jewish Community Center of Birmingham, Alabama, expressing our warm praise of its accomplishments and our deep gratitude for the needs served through the Center's community involvement for the past 75 years.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Center in declaration of our high praise and in expression of our fervent hopes for a long continuation of its programs of service.

Which was read and referred to the Standing Committee on Rules.

Mr. Bailey offered the following Senate Resolution, to-wit:

S. R. 51. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 102.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Bailey:

S. 102. To provide for a life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Which was read and referred to the Standing Committee on Rules.

Mr. Bailey then offered the following Senate Resolution, to-wit:

S. R. 52. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 62.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Bailey:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 113. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; providing a penalty for willfully making a false statement in connection with re-identification; and repealing Act No. 81-226, H. 663, 1981 Regular Session, (Acts 1981, p. 302).

Also:

H. J. R. 11. COMMENDING THE GREATER SAINT PAUL A. M. E. CHURCH OF FLORENCE, ALABAMA, AND ITS PASTOR, THE REVEREND PERCY W. JONES.

Also:

H. J. R. 25. COMMENDING "SOUTHWIND DRUM AND BUGLE CORPS" IN THEIR SECOND YEAR OF OPERATION.

Also:

H. J. R. 28. COMMENDING MR. SAVAGE J. WHISENHUNT, SR., RETIRED ALABAMA EDUCATOR.

Also:

H. J. R. 63. COMMENDING AND EXPRESSING APPRECIATION TO THE MONTGOMERY POLICE DEPARTMENT AND CITY WORK CREWS FOR THEIR EFFORTS DURING THE RECENT SNOW, ICE STORM AND SUB-FREEZING WEATHER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 49

The Senate proceeded to further consideration of the Bill, S. B. 49.

And said Bill, S. B. 49, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Goodwin	Keener	Parsons	
Barron	Hall	Kirkland	St. John	
Britnell	Harrison	Martin	Smith	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Holmes	Mitchem	Weeks	
Glass				—20

Nay: Mr. Little. —1

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 13. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 37.

On motion of Mr. Martin, said Resolution was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Martin	Taylor	
Cook	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Miller	Weeks	
Denton	Holmes	Mitchem	White	
Glass	Keener	Parson		—26

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

was taken up.

Mr. Martin offered the following amendment to the Bill, S. B. 37, to-wit:

AMENDMENT TO S. B. 37

Amend Senate Bill 37, on Page 7 in Section 5 at Line 19, by striking the word "nor" and substituting in lieu thereof the word "not".

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Higginbotham	Martin	Vacca
Britnell	Holmes	Miller	Weeks
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—21

Nays:

—0

And said Bill, S. B. 37, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Miller	Weeks
Glass	Keener	Mitchem	White
Goodwin	Kirkland		

—25

Nays:

—0

FURTHER CONSIDERATION OF S. B. 174

The Senate proceeded to further consideration of the Bill, S. B. 174.

The Standing Committee on Finance and Taxation reported the following amendments to the Bill, S. B. 174, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 174

Amend S. B. 174 as follows:

On page 15, Section 3, Subsection 14(B), on the 6th line down, delete the word "programs" and insert in lieu thereof the words : "credit hours".

On page 15, Section 3, Subsection 14(B), on the 9th line down, after the word "departments," insert the following: "However, only major allied health courses will be funded; related courses will be funded the same as non-health programs."

On page 28, Section 3, Subsection 25(A), after the word "Education." insert the following new sentences: "The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools."

COMMITTEE AMENDMENT NO. 2 TO S. B. 174

Amend Senate Bill 174 on page 7, line 20, by striking the figure, "1,200,000" and inserting in lieu thereof the figure "1,400,000".

Further amend Senate Bill 174 on page 7, line 23, by striking the figure "1,336,000" and inserting in lieu thereof the figure "1,536,000".

Further amend Senate Bill 174 on page 7, line 25 by striking the figures "1,336,000" and "3,701,496" and inserting in lieu thereof the figures "1,536,000" and "3,901,496" respectively.

Further amend Senate Bill 174 on page 11, line 4, by striking the figure "29,712,910" and inserting in lieu thereof the figure "29,912,910".

Further amend Senate Bill 174 on page 11, line 7, by striking the figures "29,712,910" and "282,185,387" and inserting in lieu thereof the figures "29,912,910" and "282,385,387" respectively.

COMMITTEE AMENDMENT NO. 3 TO S. B. 174

Amend Senate Bill 174, page 22, line 12 after the semicolon after the word "children" by inserting the following:

"\$75,000 to the Alice Pigman School;"

COMMITTEE AMENDMENT NO. 4 TO S. B. 174

Amend Senate Bill 174 in Section 3-A-21 (g) on page 22, line 12 after the word "children;" by inserting the following:

"\$75,000 to the Montgomery Board of Education for the purpose of establishing the pilot program for deaf students in public schools;"

COMMITTEE AMENDMENT NO. 5 TO S. B. 174

Amend Senate Bill 174 in Section 3-A-17 on page 16, lines 21 and 23 by deleting the figure "3,094,490" and inserting in lieu thereof the figure "3,894,490". Further amend S. B. 174 on page 16 on lines 15 and 23 by deleting the figure "4,018,363" and inserting in lieu thereof the figure "4,818,363".

COMMITTEE AMENDMENT NO. 6 TO S. B. 174

Amend Senate Bill 174 on page 34 after line 26 by inserting the following:

"13.A Alabama Law School Clinical Education . . . 186,000 186,000";

Further amend Senate Bill 174 on page 34 on line 30 after the word "ASETF—" by striking the figure "46,231,869" and insert in lieu thereof the figure "46,417,869";

Further amend Senate Bill 174 on page 34 line 32 after the word "Alabama—" by striking the figures "46,231,869" and "112,843,827" and insert in lieu thereof the figures:

"46,231,869" and "113,029,827", respectively;

Further amend Senate Bill 174 on page 14 lines 4, 6, and 8 by striking the figure "1,350,000" and insert in lieu thereof the figure "1,450,000";

Further amend Senate Bill 174 page 7 line 21 after the words "Community Education" by striking the figure "136,000" and insert in lieu thereof the figure "160,000";

Further amend Senate Bill 174 page 7 line 23 by striking the figure "1,336,000" and insert in lieu thereof the figure "1,360,000";

Further amend Senate Bill 174 on page 7 line 25 by striking the figures "1,336,000" and "3,701,496" and insert in lieu thereof the figures:

"1,336,000" and "3,725,496", respectively.

Further amend Senate Bill 174 on page 39 lines 11, 13, and 16 by striking the figures "8,250,466" and insert in lieu thereof the figure "8,690,466";

Further amend Senate Bill 174 on page 39 lines 11 and 16 by striking the figure "19,370,862" and insert in lieu thereof the figure "19,810,862";

Further amend Senate Bill 174 on page 39 line 18 after the word "Maintenance" by striking the figures "8,967,860" and "18,485,026" and insert in lieu thereof the figures:

"9,427,860" and "18,945,026"; respectively;

Further amend said bill on page 39 line 21 by striking the figure "10,367,860" and insert in lieu thereof the figure "10,827,860";

Further amend said bill on page 39 line 23 by striking the figures "10,367,860" and "19,885,026" and insert in lieu thereof the figures:

"10,827,860" and "20,345,026", respectively;

Further amend Senate Bill 174 in Section 3-A-21 sub-section (1) on page 25, line 22 by deleting the figure "57,861,511" and inserting in lieu thereof the figure "61,138,278"

Further amend said bill in Section 3-A-21 on page 19, lines 3, 5 and 6 by deleting the figure "266,774,099" and inserting in lieu thereof the figure "270,050,866"

Further amend said bill in Section 3-A-21, sub-section (g) on page 21 after line 5 by adding the following "\$1,200,000" shall be allocated for handicapped students in Vocational Education".

Further amend said bill in Section 3-A-5 on page 5, line 16 by deleting the figure "1,722,441" and inserting in lieu thereof the figure "2,373,441"

Further amend said bill in Section 3-A-5, on page 5, after line 16 by inserting "herein appropriated \$651,000 shall be allotted to Vocational Education Administration"

Further amend on page 39, in sub-section (V)A8, the figure "205,200" and increase said to "\$300,000" and provide for other re-figuring as is needed.

COMMITTEE AMENDMENT NO. 7 TO S. B. 174

Amend Senate Bill 174 on page 20, line 17, by striking out the figure "\$17" after the word "at" and substituting in lieu thereof the figure "\$25"

COMMITTEE AMENDMENT NO. 8 TO S. B. 174

Amend S. B. 174 in Section 4-A on page 33, line 21 by adding the following:

3. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program 100,000

SOURCE OF FUNDS:

(1) ASETF 100,000

Total Sylacauga Nurses Training School	<u>100,000</u>	<u>100,000</u>
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COMMITTEE AMENDMENT NO. 9 TO S. B. 174

Amend S. B. 174 in Section 3-A-5 sub-section (d) on page 7, line 7, by deleting the figures "1,594,822" and inserting in lieu thereof the figure "1,394,822". Further amend S. B. 174 in Section 3-A-5 sub-section (d) on page 7, lines 2 and 13 by deleting the figure "10,879,032" and inserting in lieu thereof the figure "10,679,032". Further amend S. B. 174 on page 7 subsection (d) lines 10 and 13 by deleting the figure "2,926,822" and inserting in lieu thereof the figure "2,726,822".

Further amend S. B. 174 in Section 3-A-5 on page 10 by adding after line 27 the following sub-section:

(m) Drug Education Program ... 200,000

SOURCE OF FUNDS:

(1) ASETF 200,000

Total Drug Education Program ..	<u>200,000</u>	<u>200,000</u>
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COMMITTEE AMENDMENT NO. 10 TO S. B. 174

Amend Senate Bill 174 on page 43 by striking Subsection 5-XII in its entirety and insert in lieu thereof the following Subsection 5-XII;

"BOARD OF TRUSTEES FOR ALABAMA INSTITUTE FOR DEAF AND BLIND

1. Children and Youth Programs	6,244,901	1,367,380	7,612,281
2. E. H. Gentry Technical Facility	1,955,689	2,169,650	4,125,339
3. Industries for the Blind	605,302	10,080,184	10,685,486

SOURCE OF FUNDS:

(1) ASETF	8,805,892		
(2) Other Funds		<u>13,617,214</u>	
Total Alabama Institute for Deaf and Blind	<u>8,805,892</u>	<u>13,617,214</u>	<u>22,423,106</u>

COMMITTEE AMENDMENT NO. 11 TO S. B. 174

Delete Section 3A 1 and 3A 2 in their entirety by deleting lines 4 through lines 27 on page 3 in their entirety and renumber subsequent subsections so that subsection "3" becomes subsection "1" and subsection "4" becomes subsection "2" and so on until subsection "7" becomes subsection "5".

In Section 3A 5:

On page 10, in subsection "1", delete lines 13, 14, and 17 through 22.

On page 10, on lines 7 and 27, strike "36,628,545" and insert in lieu thereof "34,029,545".

On page 10, on lines 24 and 27, strike "13,197,542" and insert in lieu thereof "10,598,542".

On page 11, on lines 4 and 7, strike "29,712,910" and insert in lieu thereof "27,113,910"; on line 7, strike "282,185,387" and insert in lieu thereof "279,586,387".

Delete Section 3A 8 in its entirety by deleting lines 16 through 24 on page 1, in their entirety; renumber subsections so that subsection "9" becomes subsection "6".

Delete Sections 3A 10 and 3A 11 in their entirety by deleting lines 8 through 26 on page 12; and on page 13, delete lines 2 through 18 in their entirety and renumber subsections so that subsection "12" becomes "7".

Delete Section 3A 13 in its entirety by deleting lines 2 through 8, on page 14 in their entirety and renumber subsections so that subsection "14" becomes subsection "8".

Delete Section 3A 15 in its entirety by deleting lines 2 through 7, on page 16 in their entirety and renumber subsections so that subsection "16" becomes subsection "9" and subsection "17" becomes subsection "10" and until subsection "22" becomes subsection "15".

Delete Section 3A 23 in its entirety by deleting lines 11 through 29 on page 27.

Delete Section 3A 24 in its entirety by deleting lines 2 through 10, on page 28 and renumber subsections so that subsection "25" becomes subsection "16" and subsection "26" becomes subsection "17" and until subsection "33" becomes subsection "24".

In Section 3A 33, page 32, on lines 18 and 26, strike "10,739,813" in both places and insert in lieu thereof "3,739,813;" page 32, on lines 24 and 26, strike "9,659,265" in both places and insert in lieu thereof "2,659,265."

Delete Section 4A 2 in its entirety by deleting lines 15 through 20, on page 33 in their entirety.

COMMITTEE AMENDMENT NO. 12 TO S. B. 174

Amend Senate Bill 174 Page 38, Line 12, by striking out Sub-Section IV and inserting in lieu thereof the following:

"IV State Board of Education"

A. Athens State College

1. Operational & Maintenance ..	2,001,496	882,569	2,884,065
2. Auxiliary Enterprises		<u>231,961</u>	<u>231,961</u>

SOURCE OF FUNDS:

(1) ASETF	2,001,496		
(2) Other Funds		<u>1,114,530</u>	
Total Athens State College	2,001,496	1,114,530	3,116,026"

COMMITTEE AMENDMENT NO. 13 TO S. B. 174

Amend Senate Bill 174 on page 39, after line 4 by inserting the following:

"8a. Ralph Draughon Library ... 150,000 150,000"

Further amend Senate Bill 174 on page 39, line 7 by striking the figure "45,038,726" and inserting in lieu thereof the following figure "45,188,726".

Further amend Senate Bill 174 on page 39, line 9 by striking the figures "45,038,726" and "108,186,659" and by inserting in lieu thereof the following figures: "45,188,726" and "108,336,659", respectively.

COMMITTEE AMENDMENT NO. 14 TO S. B. 174

Amend Senate Bill 174 on page 3, Section 3-A-2, by striking subsection (b) on line 12 and subsection (c) on line 13, and by changing subsection (a) on line 11 to read as follows:

(a) Fine Arts Program 888,060

COMMITTEE AMENDMENT NO. 15 TO SENATE BILL 174

Amend S. B. 174 on pages 41 and 42 beginning on line 24 by deleting Subsection X of Section 5 in its entirety and inserting in lieu thereof the following:

X. Board of Trustees of University
of South Alabama

A. University of South Alabama

1. Operations and Maintenance .	13,143,360	10,625,096	23,768,456
2. Medical Research and Public Service	298,464		298,464
3. Family Practice Residency Pro- gram	596,928		596,928
4. College of Medicine	9,756,207	9,942,287	19,698,494
5. Medical Center Hospital	1,202,070	35,745,779	36,947,849
6. Newborn Growth and Develop- ment Program	84,884		84,884
7. Division of Allied Health	807,769	190,433	998,202

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8. School of Nursing	744,790	261,488	1,006,278
9. Nursing Scholarships	18,000	4,800	22,800
10. Research, Public Service and Extension	98,575	65,000	163,575
11. Paramedic Training Program	147,863	44,000	191,863
12. Basic Medical Sciences	290,249	49,500	339,749
13. Birth Defect Genetic Center .	210,841		210,841
14. Auxiliary Enterprises		6,600,566	6,600,566

SOURCE OF FUNDS:

(1) ASETF	27,400,000		
(2) Other Funds		63,528,949	
Total University of South Alabama	<u>27,400,000</u>	<u>63,528,949</u>	<u>90,928,949</u>

COMMITTEE AMENDMENT NO. 16 TO S. B. 174

Amend Senate Bill 174 Page 14, by striking out the figure "\$42,551,826" in Sub-section 14(a)(1) and in lieu thereof increase said figure to the sum of "\$44,000,000" and re-figure where otherwise needed.

Furthermore on Page 28, Sub-section 25(a)(1) strike the figure "\$36,347,028" and in lieu thereof increase said figure to the sum of "\$37,500,000" and re-figure where otherwise needed.

COMMITTEE AMENDMENT NO. 17 TO S. B. 174

Amend Senate Bill 174, on page 22, line 12, by inserting after the word "children" the following:

"\$200,000.00 shall be allocated to the McInnis School in Montgomery, Alabama;"

On motion of Mr. Pearson, said amendments were laid on the table.

Mr. Pearson then offered the following substitute for the Bill, S. B. 174, to-wit:

SUBSTITUTE FOR S. B. 174

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1983 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1983 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the 1975 Code of Alabama), the provisions of The Budget Management Act (Act No. 494 adopted at the 1976 Regular Session), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3:

A. STATE AGENCIES

1. Debt Service	867,964
(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	218,256
(b) Interest on Endowments:	
For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964
For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands Estimated	410,000

Interest on School Indemnity
Lands, Estimated90,000
Interest on Valueless 16th Section
Lands5,825
Interest on Surplus
Revenue26,764
Interest on James Wallace
Fund275
Total649,708

SOURCE OF FUNDS:

(1) ASETF	<u>867,964</u>	
Total Debt Service	<u>867,964</u>	<u>867,964</u>

2. Dental Scholarship Awards,
Board of:

(a) Support of Other Educational Activities Programs		227,000
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SOURCE OF FUNDS:

(1) ASETF	<u>227,000</u>	
Total Board of Dental Scholarship Awards	<u>227,000</u>	<u>227,000</u>

(To be expended under the provi-
sions of Act No. 662, 1977 Regu-
lar Session.)

3. Education, Department of:

(a) Instructional Technical Assis- tance Program		7,525,285
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SOURCE OF FUNDS:

(1) ASETF	2,173,441		
(2) Federal and Local Funds		<u>5,351,844</u>	
Total Instructional Technical As- sistance Program	<u>2,173,441</u>	<u>5,351,844</u>	<u>7,525,285</u>

(Herein appropriated, \$651,000
shall be allotted to Vocational
Education Administration. The
Appropriation for Special Educa-
tion Administration, which is in-
cluded herein, is the same ap-
propriation as set out in Act No.
67, approved June 27, 1963 and
shall be expended in accordance
with that Act.)

(b) Local Agency Support Program		10,436,514
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The proposed spending plan for the above is as follows:

Driver Education, School Bus
Driver Training and Vehicle
Safety Inspection205,000
Free Textbooks7,887,700

In addition to the above appropriation, \$2,450,000 is hereby appropriated from the Alabama Special Education Trust Fund for Free Textbooks, to be conditioned on the availability of funds and the approval of the Governor.

Testing600,000
Plans and Surveys71,000

SOURCE OF FUNDS:

(1) ASETF	8,763,700		
(2) Federal and Local Funds		<u>1,672,814</u>	
Total Local Agency Support Program	<u>8,763,700</u>	<u>1,672,814</u>	<u>10,436,514</u>
(c) Regulation Program			1,196,000
Teacher Certification and Accreditation	257,105		

SOURCE OF FUNDS:

(1) ASETF	257,105		
(2) Federal and Local Funds		<u>938,895</u>	
Total Regulation Program	<u>257,105</u>	<u>938,895</u>	<u>1,196,000</u>
(d) Administrative Services Program			10,879,032

The proposed spending plan for the above is as follows:

Compact for Education ...32,000
Operations and Maintenance of
Department1,594,822
Telephone Network
Fund1,300,000

SOURCE OF FUNDS:

(1) ASETF	2,926,822		
(2) Federal and Local Funds		<u>7,952,210</u>	
Total Administrative Services Program	<u>2,926,822</u>	<u>7,952,210</u>	<u>10,879,032</u>

The above appropriation shall include a transfer to the State Personnel Department of \$72,952.

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(e) Adult Education Program ... 3,925,496

The proposed spending plan for the
above is as follows:

Adult Basic Education .1,400,000

Community Education ...160,000

SOURCE OF FUNDS:

(1) ASETF	1,560,000				
(2) Federal and Local Funds		<u>2,365,496</u>			
Total Adult Education Program .	1,560,000	2,365,496		3,925,496	

(f) Support of State Universities
Program 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds		256,833			
Total Support of State Universities Program		<u>256,833</u>		<u>256,833</u>	

(g) Projects-Vocation
Rehabilitation/Crippled Chil-
dren Services Program 601,145

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>601,145</u>			
Total Projects-Voc. Rehab/Crippled Children Services Program		<u>601,145</u>		<u>601,145</u>	

(h) Disability Determination for
Social Security Program 16,704,067

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>16,704,067</u>			
Total Disability Determination for Social Security Program		<u>16,704,067</u>		<u>16,704,067</u>	

(i) Financial Assistance Program 193,198,170

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>193,198,170</u>			
Total Financial Assistance Pro- gram		<u>193,198,170</u>		<u>193,198,170</u>	

(j) Support of Other Educational
Activities 9,300

The proposed spending plan for the
above is as follows:

Education of Dependents of Blind
Parents9,300

SOURCE OF FUNDS:

(1) ASETF		<u>9,300</u>			
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Total Support of Other Educational Activities	9,300	9,300
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For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Education Program		1,500,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc. .250,000		
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(2) Birmingham Regional Emergency Medical System250,000	
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(3) North Alabama Emergency Medical Services, Inc. .250,000		
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(4) Southeast Alabama Emergency Medical Services System, Inc.250,000	
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(5) East Alabama Emergency Medical Services, Inc. . .	.250,000	
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(6) Southwest Alabama Emergency Medical Services Council, Inc.250,000	
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The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	1,500,000	
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Total Emergency Medical Services Education Program	1,500,000	1,500,000
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(1) Direct Client Services for the Handicapped		34,029,545
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To be distributed by the Department of Education as follows:

Crippled Children Services Program	4,431,867	
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Rehabilitation Services Pro-
gram6,166,675

SOURCE OF FUNDS:

(1) ASETF	10,598,542		
(2) Federal and Local Funds		<u>23,431,003</u>	
Total Direct Client Services for the Handicapped	<u>10,598,542</u>	<u>23,431,003</u>	<u>34,029,545</u>
(m) Drug Education Program ...			200,000

SOURCE OF FUNDS:

(1) ASETF	<u>200,000</u>		
Total Drug Education Program ..	<u>200,000</u>		<u>200,000</u>

TOTAL DEPARTMENT OF EDU-
CATION:

SOURCE OF FUNDS:

(1) ASETF	27,988,910		
(2) Federal and Local Funds		<u>252,472,477</u>	
Grand Total Department of Educa- tion	<u>27,988,910</u>	<u>252,472,477</u>	<u>280,461,387</u>

4. Employees' Insurance, State ..			816,000
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SOURCE OF FUNDS:

(1) ASETF	<u>816,000</u>		
Total State Employees Insurance	<u>816,000</u>		<u>816,000</u>

5. Employees' Retirement, State			272,000
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SOURCE OF FUNDS:

(1) ASETF	<u>272,000</u>		
Total State Employees' Retirement	<u>272,000</u>		<u>272,000</u>

6. Fine Arts, Alabama School of:

(a) Fine Arts Program			1,012,000
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SOURCE OF FUNDS:

(1) ASETF	855,000		
(2) Federal and Local Funds		<u>157,000</u>	
Total Alabama School of Fine Arts	<u>855,000</u>	<u>157,000</u>	<u>1,012,000</u>

7. Higher Education, Alabama
Commission on:

(a) Planning & Coordination Ser- vices Program			1,069,100
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(b) Alabama Student Grant Program	3,000,000
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SOURCE OF FUNDS:

(1) ASETF	<u>4,069,100</u>
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Total Alabama Commission on Higher Education	<u>4,069,100</u>	<u>4,069,100</u>
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The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

8. State Board of Education-Junior College School System:

(a) Academic Instruction and Institutional Support Program ..	72,455,035
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SOURCE OF FUNDS:

(1) ASETF	42,551,826
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(2) Federal and Local Funds	6,293,416
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(3) State Funds	3,570,711
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(4) Other Funds	14,757,824
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(5) Auxiliary Enterprises	<u>5,281,258</u>
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Total Junior College School System	<u>42,551,826</u>	<u>29,903,209</u>	<u>72,455,035</u>
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This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) \$200,000 to each Junior College.

(B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1981-82 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1981-82 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6)

Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-8 not more than the sum of \$292,329 may be used by the State Board of Education for administration of the state junior college program.

9. Legislature

(a) House Operations & Support Program	940,500
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(b) Senate Operations & Support Program	627,000
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SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,567,500</u>	
Total Legislature	<u>1,567,500</u>	<u>1,567,500</u>

10. Library Service, Public:

(a) Public Library Service Program	4,018,363
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) ASETF	3,094,490	
(2) Federal and Local Funds		<u>923,873</u>
Total Public Library Service	<u>3,094,490</u>	<u>923,873</u> <u>4,018,363</u>

Any State Funds which are awarded to public libraries shall be used by such libraries for acquisitions only.

11. Marine Environmental Sciences Consortium:

(a) Support of Other Educational Activities Program	691,000
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SOURCE OF FUNDS:

(1) ASETF	500,000	
(2) Federal and Local Funds		<u>191,000</u>

Total Marine Environmental Sciences Consortium	500,000	191,000	691,000
12. Medical Scholarships Awards, Boards of:			
(a) Support of Other Educational Activities Program			716,000
SOURCE OF FUNDS:			
(1) ASETF	<u>716,000</u>		
Total Board of Medical Scholarships Awards	<u>716,000</u>		<u>716,000</u>
(To be expended under the provisions of Act No. 663, 1977 Regular Session.)			
13. Minimum Program and Public School Fund:			
(a) Financial Assistance Program			518,506,159
SOURCE OF FUNDS:			
(1) ASETF	480,329,674		
(2) Public School Fund		33,500,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>480,329,674</u>	<u>38,176,485</u>	<u>518,506,159</u>
The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama, and all other legislation pertaining thereto.			

The appropriation hereinabove set out for the fiscal year 1982-83 is based on 23,562 teacher units.

It is provided in the event there are more than 23,562 earned teacher units for the fiscal year 1982-83, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$396,435,872. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

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Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	2,577.69	\$ 48,274,978
I	17,535	12,254.60	214,884,411
II	15,267	8,729.71	133,276,483
III	12,855	0	0
IV	11,163	0	0
		<u>23,562.00</u>	<u>\$396,435,872</u>

For "Other Current Expenses" an amount not to exceed \$2,892,57 for each earned teacher unit but the total shall not exceed the sum of \$68,154,734.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,528,467. For "Principal Supplement" an amount not to exceed the total of \$2,356,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$49,880,886.

14. Board of Education:

(a) Financial Assistance Program 270,062,588

SOURCE OF FUNDS:

(1) ASETF 270,062,588

Total Board of Education 270,062,588 270,062,588

To be distributed by the State
Board of Education for:

(a) Hospital Medical Insurance
Assistance for Professional Staff,
Support Staff, and Adult School
Bus Drivers18,598,968

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$309.00 shall be appropriated per person.

(b) Teachers Sick Leave 5,150,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$25 per day is hereby appropriated.

(c) Support Personal Sick
Leave1,431,781

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208,1977 Regular Session.

(d) Teachers Personal
Leave925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace
Fees9,500,000

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

(f) Maintenance5,630,287

(g) Continuation of funds previously granted for Special Education25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education.

Of the \$25,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000

shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$200,000 shall be allocated to the McInnis School in Montgomery, Alabama; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher units20,584,032

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$17,389,996. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	31.21	\$ 584,501
I	17,535	349.92	6,135,847
II	15,267	698.87	10,669,648

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$3,123,976.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher units33,353,574

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the

Minimum Program; Kindergarten units in (h), and additional units in (k). The above appropriation is for 1,686 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,367,330. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	184.45	\$ 3,454,380
I	17,535	876.89	15,376,266
II	15,267	624.66	9,536,684
		<u>1,686.00</u>	<u>\$28,367,330</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$4,876,873.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$109,371.

(j) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-612,858,741

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$10,936,404. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	71.11	\$ 1,331,748
I	17,535	338.07	5,928,057
II	15,267	240.82	3,676,599
		<u>650.00</u>	<u>\$10,936,404</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$1,880,171.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education .64,960,248

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$54,548,567. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	249.92	\$ 4,680,502
I	17,535	1,792.70	31,434,995
II	15,267	1,207.38	18,433,070
		<u>3,250.00</u>	<u>\$54,548,567</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$9,400,853.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$9,400,853.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(1) Vocational Teacher
units59,500,000

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education .6,479,568

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,521,357. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	29.81	\$ 558,282
I	17,535	207.97	3,646,754
II	15,267	86.22	\$1,316,321
	TOTALS	324.00	\$5,521,357

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$937,193.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Salary increase for lunchroom
workers formerly
granted6,040,800

15. Nursing, Alabama Board of:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 687,500

The appropriation to the Alabama
Board of Nursing shall include a
transfer to the State Personnel
Department of \$639.

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Act No. 68, 1977 Special Ses- sion, Scholarships for Graduate Nurses	57,000		
(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended		630,500	
Total Alabama Board of Nursing	57,000	630,500	687,500

16. State Board of Education—
Postsecondary Vocational—
Technical Education System:

(a) Academic Instruction and In-
stitutional Support Program .. 56,752,151

SOURCE OF FUNDS:

(1) ASETF	36,347,028		
(2) Federal and Local Funds		3,324,861	
(3) State Funds		658,995	
(4) Other Funds		11,808,645	
(5) Auxiliary Enterprises		4,612,622	
Total Postsecondary Vocational- Technical Education System ..	36,347,028	20,405,123	56,752,151

(a) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted

by the State Board of Education. The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools. The above appropriation is to be distributed to the following Vocational-Technical Schools:

(1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-16 not more than the sum of \$324,809 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

17. Shelton State Community
College-State Fire College:

(a) Academic Instruction and Institutional Support Program ..	228,559
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SOURCE OF FUNDS:

(1) ASETF	<u>228,559</u>	
Total Shelton State Community College-State Fire College	<u>228,559</u>	<u>228,559</u>

18. Social Security (ASETF Share):

(a) For State's share of Social Security, Estimated	89,900,000
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SOURCE OF FUNDS:

(1) ASETF	<u>89,900,000</u>	
Total Social Security (ASETF Share)	<u>89,900,000</u>	<u>89,900,000</u>

19. Teachers' Retirement System of Alabama:

(a) Retirement Systems Program, Estimated	181,376,000
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SOURCE OF FUNDS:

(1) ASETF-Teachers Retirement System, Estimated	168,500,000	
(2) ASETF-Teachers Special Pension Fund, Estimated	<u>12,876,000</u>	
Total Teachers' Retirement System Program (State's Share)	<u>181,376,000</u>	<u>181,376,000</u>

20. TENURE COMMISSION,
STATE:

(a) Regulation Program		8,000
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SOURCE OF FUNDS:

(1) ASETF	<u>8,000</u>	
Total State Tenure Commission ..	<u>8,000</u>	<u>8,000</u>

21. Television Commission, Education:

(a) Educational TV Services Program	2,785,621
(b) Public Radio Services Program	183,541

The appropriation to the Education Television Commission shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) ASETF	2,121,162	
(2) Federal and Local Funds		<u>850,000</u>
Total Education Television Commission	<u>2,121,162</u>	<u>850,000</u> <u>2,971,162</u>

In addition to the above appropriation, \$1,000,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Education Television Commission to be conditioned on the availability of funds and the approval of the Governor.

22. Unemployment Compensation	2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	<u>2,000,000</u>	
Total Unemployment Compensation	<u>2,000,000</u>	<u>2,000,000</u>

23. Veterans' Education Benefits:

(a) Administration of Veterans' Affairs Program	1,715,500
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SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,715,500</u>	
Total Veterans' Education Benefits	<u>1,715,500</u>	<u>1,715,500</u>

The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

24. Youth Services, Department of:

(a) Youth Services Program	3,739,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) ASETF	2,659,265		
(2) Federal and Local Funds		<u>1,080,548</u>	
Total Department of Youth Services	<u>2,659,265</u>	<u>1,080,548</u>	<u>3,739,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session). In addition to the above appropriation, \$2,500,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of the Governor.

Section 4.

A. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:

1. American Legion and Auxiliary Scholarships:

(a) Support of Other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	<u>4,700</u>
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Total American Legion and Auxiliary Scholarships	4,700	<u>4,700</u>
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(To be expended under the provisions of Act No. 676, 1978 Regular Session).

2. Sylacauga Nurses Training School:

(a) Support of Other Educational Activities Program	84,600
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SOURCE OF FUNDS:

(1) ASETF	<u>84,600</u>
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Total Sylacauga Nurses Training School	<u>84,600</u>	<u>84,600</u>
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Section 5.

COLLEGES, UNIVERSITIES AND SCHOOLS

I. Board of Trustees of University of Alabama:

A. The University

1. Operations and Maintenance .	37,626,869	25,779,470	63,406,339
2. Research, Extension and Public Service	2,129,000	289,600	2,418,600
3. Emergency Medical Services .	145,000		145,000
4. Center for Emotionally Disturbed Children	548,000		548,000
5. Nursing Scholarships	18,000		18,000
6. School of Mines and Energy Development	1,583,000		1,583,000
7. Capstone Medical Center	862,000		862,000
8. Alabama Museum of Natural History	172,000	49,500	221,500
9. College of Community Health Services Medical Education ...	2,503,000	96,000	2,599,000
10. Cooperative University Upper Division Program-Gadsden	206,000	81,000	287,000
11. Rural Infant Stimulation Environment Program	144,000		144,000
12. High Risk Nursery	117,000		117,000
13. Safe State Program	178,000		178,000
14. Ala. Law School Clinical Education	150,000		150,000
15. Auxiliary Enterprises		22,811,388	22,811,388
16. Restricted Funds		<u>17,505,000</u>	<u>17,505,000</u>

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SOURCE OF FUNDS:

(1) ASETF	46,381,869		
(2) Other Funds		<u>66,611,958</u>	
Total University of Alabama	<u>46,381,869</u>	<u>66,611,958</u>	<u>112,993,827</u>

B. University of Alabama in Birmingham

1. University College	15,664,126	17,108,200	32,772,326
2. School of Community and Allied Health	2,199,592	886,258	3,085,850
3. Regional Technical Institute ..	1,977,531	260,700	2,238,231
4. Joint Health Sciences	3,232,025	728,300	3,960,325
5. Student Nurses Loans	11,410		11,410
6. Nursing Scholarships	84,048		84,048
7. School of Nursing	3,443,601	957,425	4,401,026
8. Center for Labor Education and Research	271,861		271,861
9. Urban Research and Public Service	313,240		313,240
10. School of Medicine	17,460,597	15,104,220	32,564,817
11. School of Optometry	2,412,747	1,554,500	3,967,247
12. School of Dentistry	7,719,125	4,338,300	12,057,425
13. System Medical Education Program	504,682		504,682
14. School of Public Health	1,514,643	260,050	1,774,693
15. Family Practice Residency Programs	1,605,163		1,605,163

The above appropriation shall be expended for residency programs as follows:

Anniston	252,722		
East End	252,722		
Jefferson County	252,722		
Montgomery	252,722		
Selma	341,553		
Gadsden	252,722		
16. Diabetes	100,000		100,000
17. University Hospitals	5,975,653	136,585,902	142,561,555
18. School of Engineering and Business	440,606		440,606
19. Public Health Research Program	144,102		144,102
20. Department of Pediatrics	318,400		318,400

21. Health-Related Research and Public Service	2,915,266	2,915,266
22. Emergency Medical Service and Training	165,282	165,282
23. Montgomery Internal Medical Residency	235,889	235,889
24. Hypertension Research	400,931	400,931
25. Multipurpose Arthritis Center	400,931	400,931
26. Medical Genetics Program ..	290,647	290,647
27. Research Development & Relations	150,000	150,000
28. Special Mental Health	3,454,288	3,454,288
29. Center for Developmental and Learning Disorders	583,926	583,926
30. Auxiliary Enterprises	7,460,500	7,460,500
31. Restricted Funds	<u>51,119,500</u>	<u>51,119,500</u>

SOURCE OF FUNDS:

(1) ASETF	69,952,098		
(2) Special Mental Health Trust Fund		4,038,214	
(3) Other Funds		<u>236,363,855</u>	
Total University of Alabama in Birmingham	69,952,098	240,402,069	310,354,167

C. University of Alabama in Hunstville

1. Operations and Maintenance ..	7,884,328	8,954,735	16,839,063
2. Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	46,800		46,800
4. School of Primary Medical Care	2,812,903	127,200	2,940,103
5. Community Medicine Rural Preceptorship Program	32,538		32,538
6. Johnson Environmental and Energy Center	361,154		361,154
7. Ambulatory Care Center	848,017	637,000	1,485,017
8. School of Nursing	937,457	180,057	1,117,514
9. Paramedic Training	123,468		123,468
10. Alabama Solar Energy Center	356,667		356,667
11. Auxiliary Enterprises		1,997,814	1,997,814

SOURCE OF FUNDS:

(1) ASETF	13,421,332		
(2) Other Funds		<u>11,896,806</u>	

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Total University of Alabama in Huntsville	13,421,332	11,896,806	25,318,138
II. Board of Trustees of Alabama A & M University			
A. ALABAMA A & M UNIVERSITY			
1. Operations and Maintenance ..	9,477,129	10,114,800	19,591,929
2. Vocational Teacher Training	264,595		264,595
3. Cooperative Extension, Research and Service	300,000		300,000
4. Auxiliary Enterprises		4,038,583	4,038,583
SOURCE OF FUNDS:			
(1) ASETF	10,041,724		
(2) Other Funds		14,153,383	
Total Alabama A & M University	<u>10,041,724</u>	<u>14,153,383</u>	<u>24,195,107</u>
III. Board of Trustees of Alabama State University			
A. ALABAMA STATE UNIVERSITY			
1. Operations and Maintenance ..	8,558,082	8,960,640	17,518,722
2. Auxiliary Enterprises		<u>4,178,037</u>	<u>4,178,037</u>
SOURCE OF FUNDS:			
(1) ASETF	8,558,082		
(2) Other Funds		13,138,677	
Total Alabama State University ..	<u>8,558,082</u>	<u>13,138,677</u>	<u>21,696,759</u>
IV. State Board of Education			
A. ATHENS STATE COLLEGE			
1. Operations and Maintenance ..	1,601,496	882,569	2,484,065
2. Auxiliary Enterprises		<u>231,961</u>	<u>231,961</u>
SOURCE OF FUNDS:			
(1) ASETF	1,601,496		
(2) Other Funds		<u>1,114,530</u>	
Total Athens State College	<u>1,601,496</u>	<u>1,114,530</u>	<u>2,716,026</u>
V. Board of Trustees of Auburn University			
A. AUBURN UNIVERSITY			
1. Operations and Maintenance ..	42,178,869	42,458,870	84,637,739
2. Educational Television	386,506		386,506
3. Center for Vocational and Adult Education	548,910		548,910

4. Clinical Psychology	120,760		120,760
5. Engineering Experiment Station	919,351		919,351
6. Public Service, Research and Extension	396,159		396,159
7. Energy Research	282,971		282,971
8. Food Animal Health & Disease Research	300,000		300,000
9. Auxiliary Enterprises		<u>20,689,063</u>	<u>20,689,063</u>

SOURCE OF FUNDS:

(1) ASETF	45,133,526		
(2) Other Funds		<u>63,147,933</u>	
Total Auburn University	45,133,526	63,147,933	108,281,459

B. AGRICULTURAL EXPERIMENT STATION

1. Operations and Maintenance ..	<u>8,650,466</u>	<u>11,120,396</u>	<u>19,770,862</u>
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SOURCE OF FUNDS:

(1) ASETF	8,650,466		
(2) Other Funds		<u>11,120,396</u>	
Total Agricultural Experiment Station	<u>8,650,466</u>	<u>11,120,396</u>	<u>19,770,862</u>

C. COOPERATIVE EXTENSION SERVICE

1. Operations and Maintenance ..	9,367,860	9,517,166	18,885,026
2. Retirement	<u>1,400,000</u>		<u>1,400,000</u>

SOURCE OF FUNDS:

(1) ASETF	10,767,860		
(2) Other Funds		<u>9,517,166</u>	
Total Cooperative Extension Service	<u>10,767,860</u>	<u>9,517,166</u>	<u>20,285,026</u>

D. AUBURN UNIVERSITY AT MONTGOMERY

1. Operations and Maintenance ..	7,028,309	6,387,993	13,416,302
2. Montgomery Area Community Health Sciences Institute	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	47,436	215,187
4. Auxiliary Enterprises		<u>1,619,450</u>	<u>1,619,450</u>

SOURCE OF FUNDS:

(1) ASETF	7,247,009		
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(2) Other Funds		<u>8,054,879</u>	
Total Auburn University at Montgomery	<u>7,247,009</u>	<u>8,054,879</u>	<u>15,301,888</u>
VI. Board of Trustees of Jacksonville State University			
A. JACKSONVILLE STATE UNIVERSITY			
1. Operations and Maintenance ..	11,741,620	5,376,000	17,117,620
2. Cooperative Univ. Upper Division Program—Gadsden	464,000	91,000	555,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,890		100,890
5. Vocational Teacher Training ..	100,890		100,890
6. Auxiliary Enterprises		<u>2,620,210</u>	<u>2,620,210</u>
SOURCE OF FUNDS:			
(1) ASETF	12,425,400		
(2) Other Funds		<u>8,087,210</u>	
Total Jacksonville State University	<u>12,425,400</u>	<u>8,087,210</u>	<u>20,512,610</u>
VII. Board of Trustees of Livingston University			
A. LIVINGSTON STATE UNIVERSITY			
1. Operations and Maintenance ..	3,858,725	1,180,304	5,039,029
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,496,700</u>	<u>1,496,700</u>
SOURCE OF FUNDS:			
(1) ASETF	3,876,725		
(2) Other Funds		<u>2,677,004</u>	
Total Livingston University	<u>3,876,725</u>	<u>2,677,004</u>	<u>6,553,729</u>
VIII. Board of Trustees of University of Montevallo			
A. UNIVERSITY OF MONTEVALLO			
1. Operations and Maintenance ..	6,123,283	3,245,101	9,368,384
2. School for Aphasic Children ..	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	19,597		19,597

5. Auxiliary Enterprises		3,251,380	3,251,380
SOURCE OF FUNDS			
(1) ASETF	6,500,754		
(2) Other Funds		6,496,481	
Total University of Montevallo ..	6,500,754	6,496,481	12,997,235
IX. Board of Trustees of University of North Alabama			
A. UNIVERSITY OF NORTH ALABAMA			
1. Operations and Maintenance ..	8,233,217	5,366,032	13,599,249
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		2,734,905	2,734,905
SOURCE OF FUNDS:			
(1) ASETF	8,251,217		
(2) Other Funds		8,100,937	
Total University of North Alabama	8,251,217	8,100,937	16,352,154
X. Board of Trustees of University of South Alabama			
A. UNIVERSITY OF SOUTH ALABAMA			
1. Operations and Maintenance ..	12,504,108	10,625,096	23,129,204
2. Medical Research and Public Service	284,223		284,223
3. Family Practice Residency Program	568,293		568,293
4. College of Medicine	9,285,484	9,942,287	19,227,771
5. Medical Center Hospital	1,144,714	35,745,779	36,890,493
6. Newborn Growth and Development Program	80,834		80,834
7. Division of Allied Health	770,640	190,433	961,073
8. School of Nursing	709,493	261,488	970,981
9. Nursing Scholarships	18,000	4,800	22,800
10. Research, Public Service and Extension	92,916	65,000	157,916
11. Paramedic Training Program	140,808	44,000	184,808
12. Basic Medical Sciences	276,400	49,500	325,900
13. Birth Defect Genetic Center ..	199,587		199,587
14. Auxiliary Enterprises		6,600,566	6,600,566
SOURCE OF FUNDS:			
(1) ASETF	26,075,500		
(2) Other Funds		63,528,949	

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Total University of South Alabama	<u>26,075,500</u>	<u>63,528,949</u>	<u>89,604,449</u>
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XI. Board of Trustees of Troy State University

A. TROY STATE UNIVERSITY

1. Operations and Maintenance at Troy	7,889,057	5,651,900	13,540,957
2. Operations and Maintenance at Ft. Rucker/Dothan	1,071,949	1,200,946	2,272,895
3. Operations and Maintenance in Montgomery	274,859	1,522,000	1,796,859
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	61,568	274,831	336,399
6. School of Nursing-Montgomery	250,000	45,655	295,655
7. Branch Campus at Phenix City	93,452	405,000	498,452
8. Auxiliary Enterprises		<u>4,594,310</u>	<u>4,594,310</u>

SOURCE OF FUNDS:

(1) ASETF	9,676,885		
(2) Other Funds		<u>13,694,642</u>	
Total Troy State University	<u>9,676,885</u>	<u>13,694,642</u>	<u>23,371,527</u>

XII. Board of Trustees for Alabama Institute for Deaf and Blind

1. Children and Youth Programs	6,244,901	1,367,380	7,612,281
2. E. H. Gentry Technical Facility	1,955,689	2,169,650	4,125,339
3. Industries for the Blind	<u>605,302</u>	<u>10,080,184</u>	<u>10,685,486</u>

SOURCE OF FUNDS:

(1) ASETF	8,805,892		
(2) Other Funds		<u>13,617,214</u>	
Total Alabama Institute for Deaf and Blind	<u>8,805,892</u>	<u>13,617,214</u>	<u>22,423,106</u>

Section 6.

Governor's Education Program			2,000,000
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To the State Department of Education-Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance

SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>		
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Total Governor's Education Program	2,000,000	2,000,000
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Section 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,454,288 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$583,926 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from, other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated thirty-three million five-hundred thousand dollars (\$33,500,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-13-(a) on page 16. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1983, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1983.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse

any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 11. This act shall become effective on October 1, 1982.

Mr. Callahan offered the following amendment to the substitute, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 174

Amend substitute for S. B. 174 on page 42 after Line 14 by inserting the following:

"In addition there is hereby appropriated the sum of one million three hundred thousand dollars (\$1,300,000) for Operations and Maintenance, to be conditioned upon the availability of funds and the approval of the Governor."

Which was adopted.

Mr. Barron offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 on Page 39 Line 8, by striking out the figure "300,000" and by inserting in lieu thereof the figure "205,200".

Further amend Senate Bill 174 as substituted on page 39, lines 11 & 13 by striking the figure "45,133,526" and by inserting in lieu thereof the figure "45,038,726". Further amend Senate Bill 174 as substituted on page 39, line 13 by striking the figure "108,281,459" and by inserting in lieu thereof the figure "108,186,659".

Further amend Senate Bill 174 as substituted on page 39, line 30 by striking the figures "7,028,309" and "13,416,302" and by inserting in lieu thereof the figures "7,123,109" and "13,511,102", respectively. Further amend Senate Bill 174 as substituted on page 40, lines 13 & 16 by striking the figure "7,247,009" and by inserting in lieu thereof the figure 7,341,809". Further amend Senate Bill 174 as substituted on page 40, line 16 by striking the figure "15,301,888" and by inserting in lieu thereof the figure "15,396,688".

Which was adopted.

Mr. Parsons offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 31 Lines 7-9, by striking out subsection 3-A-22 in its entirety.

Which was adopted.

Mr. Mitchem offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 15 Lines 13 & 21, by striking out "4,018,363" and inserting in lieu thereof the following:

"4,818,363"

Further amend S. B. 174 as substituted on page 15 lines 19 & 21 by striking the following: "3,094,490."

and inserting in lieu thereof the following:

"3,894,490"

Which was adopted.

Mr. Vacca offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 on page 32 lines 6-25, by striking them in their entirety.

Which was adopted.

Mr. McDonald offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 37 Line 30, by striking out the figures "9,477,129" and "19,591,929" after the word "Maintenance" and insert in lieu thereof the figures "9,677,129" and "19,791,929", respectively;

Further amend Senate Bill 174 as substituted on page 37 lines 36 and 38, by striking the figure "10,041,724" and insert in lieu thereof the figure "10,241,724";

Further amend Senate 174 as substituted on page 37 line 38 by striking the figure "24,195,107" and insert in lieu thereof the figure "24,395,107".

Amend substitute, as amended, for S. B. 174 Page 38 Line 16, by striking out all of subsections "A. Athens State College"

and inserting in lieu thereof the following

A. Athens State College

1. Operations & Maintenance ...	1,801,496	882,569	2,684,065
2. Auxiliary Enterprises		<u>231,961</u>	<u>231,961</u>

SOURCE OF FUNDS:

(1) ASETF	1,801,496		
(2) Other Funds		<u>1,114,530</u>	
Total Athens State College	<u>1,801,496</u>	<u>1,114,530</u>	<u>2,916,026</u>

Which was adopted.

Mr. Little offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute as amended, for S. B. 174 Page 39, by inserting in subsection (V)A8 (line 8) the additional amount of \$94,800 and re-figure accordingly.

Which was adopted.

Mr. deGraffenried offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 34 Line 30, by striking out "150,000" and inserting in lieu thereof "185,000."

Further amend S. B. 174 as substituted on page 34 after line 32 by inserting the following:

"17. Advocacy Program for the Developmentally Disabled	25,000	25,000
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Further amend S. B. 174 as substituted on page 34 lines 34 and 36 by striking "46,381,869" and inserting "46,441,869".

Further amend S. B. 174 as substituted on page 34 line 36 by striking "112,993,827" and inserting "113,053,827".

Which was adopted.

Mr. Barron offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 21 Line 21, by striking out the figure "\$200,000.00" and substituting in lieu thereof the figure "\$250,000.00".

Which was adopted.

Mr. White offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, to S. B. 174 Page 36 Line 11, by striking out the figures "318,400" and "318,400" after the word "Pediatrics" and insert in lieu thereof the figure "618,400";

Further amend S. B. 174 as substituted on page 36 lines 28 and 33, by striking the figure "69,952,098" and insert in lieu thereof the figure "70,252,098";

Further amend S. B. 174 as substituted on page 36 line 33 by striking the figure "310,354,167" and insert in lieu thereof the figure "310,654,167".

Which was adopted.

Mr. Gulledge offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 in Section 3-A-21 sub-section (1) on page 24, line 25 by deleting the figure "59,500,000" and inserting in lieu thereof the figure "61,138,278"

Further amend Senate Bill 174 in Section 3-A-14 on page 18 lines 11, 13, and 14 by deleting the figure "270,062,588" and inserting in lieu thereof the figure "271,700,866".

Which was adopted.

Mr. Miller offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 13 Line 9, by striking out the figure "72,455,035" after the word "Program" and insert in lieu thereof the figure "73,455,035"; further amend said bill on page 13, line 11 by striking the figure "42,551,826" and insert in lieu thereof the figure "43,551,826";

Further amend said bill on page 13, line 16 by striking the figures "42,551,826" and "72,455,035". and insert in lieu thereof the figures "43,551,826" and "73,455,035", respectively;

Further amend said bill on page 27 lines 10 and 18 by striking the figures "56,752,151" and insert in lieu thereof the figure "57,752,151";

Further amend said bill on page 27, lines 12 and 18 by striking the figure "36,347,028" and insert in lieu thereof the figure "37,347,028".

Mr. White moved that said amendment be laid on the table which motion was lost.

Yeas 5; Nays 20.

Yeas: Messrs.: Barron, Callahan, Harrison, Taylor and White.

—5

Nays:

Messrs.:	Goodwin	Kirkland	Mitchem
Bailey	Hall	Lemaster	Pearson
Britnell	Hilliard	Little	Robertson
deGraffenried	Holmes	Martin	St. John
Denton	Keener	Miller	Teague
Figures			

—20

And on motion of Mr. Miller, said amendment was then adopted.

Messrs. Holmes and Miller offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 25 Line 27, by striking out the figure "6,040,800" after the word "granted. . ." and insert in lieu

thereof the figure "6,886,512"; Further amend said bill on page 18 lines 11, 13 and 14, by striking the figure "270,062,588" and insert in lieu thereof the figure "270,908,300".

Which was adopted.

Mr. Teague offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 10 Line 11 & 22, by striking out "34,029,545" and inserting "34,529,545".

Further amend S. B. 174 as substituted on page 10 line 15 by striking: "4,431,867" and inserting: "4,931,867".

Further amend S. B. 174 as substituted on page 10 lines 19 & 22 by striking "10,598,542" and inserting "11,098,542".

Further amend S. B. 174 as substituted on page 10 lines 29 & 32 by striking "27,988,910" and inserting "28,488,910".

Further amend S. B. 174 as substituted on page 10 line 32 by striking "280,461,387" and inserting "280,961,387".

And further amend S. B. 174 as substituted on page 10 by adding a new sub-section known as (3)(a) to be worded as follows:

Handicapped Recreation Program .	\$186,000
(To provide recreation and services at a year-round accredited handicap- ped recreation facility.)	

And to re-figure accordingly.

Which was adopted.

Mr. Robertson offered the following amendment to the substitute as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend substitute, as amended, for S. B. 174 Page 41 Line 9-15, by striking out these lines in their entirety and inserting in lieu thereof the following:

"1. Operations and Maintenance ..	4,128,836	1,180,304	5,309,140
2. Nursing Scholarship	18,000		18,000
3. Auxiliary Enterprises		<u>1,496,700</u>	<u>1,496,700</u>

SOURCE OF FUNDS:

(1) ASETF	4,146,836		
(2) Other Funds		<u>2,677,004</u>	
Total Livingston University	<u>4,146,836</u>	<u>2,677,004</u>	<u>6,823,840"</u>

Which was adopted.

RESOLUTION

Messrs. Lemaster, Martin, Holmes, Denton, Britnell, Cook, Harrison, Proctor, Gullledge, Goodwin, Figures, Hall, Hilliard, Vacca, Robertson, Miller, Glass, McDonald, Mitchem, Kirkland, Higginbotham, Callahan, Taylor and Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 53. REQUESTING MR. FRANKLIN JAMES, DIRECTOR THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, TO CALL AN IMMEDIATE HALT TO THE CLOSING OF STATE EMPLOYMENT SERVICE OFFICES AND/OR UNEMPLOYMENT COMPENSATION CLAIMS OFFICES, AND TO RE-OPEN THOSE THAT HAVE ALREADY BEEN CLOSED.

WHEREAS, during the time of highest unemployment in Alabama in recent history, the Alabama Department of Industrial Relations, rather than expanding its services for those in need, is closing a number of offices statewide and combining services in other locales; and

WHEREAS, to date, ten employment service offices have already been closed or are scheduled to be closed by February 28; in addition, approximately 16 itinerant points of service will no longer be scheduled and in four cities—Anniston, Birmingham, Huntsville and Scottsboro — Unemployment Claims and Employment Services Offices are to be combined; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most urgently request Mr. Franklin James in his capacity and authority as Director of the Alabama Department of Industrial Relations, to re-open where possible those employment offices and itinerant points already closed and to abort any plans to curtailing services through future closings or by combining offices.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to advise Mr. James, by copy of this resolution, of our request and of our sincere desire for his compliance.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 84. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

The Standing Committee on Rules offered the following substitute for the Resolution, H. J. R. 84, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 84

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Tuesday, February 2, 1982, we adjourn to meet again on Thursday, February 4; when we adjourn on Thursday, February 4, we adjourn to meet again on Tuesday, February 9, 1982.

Which was adopted.

On motion of Mr. McDonald, said Resolution, H. J. R. 84, as thus amended by the substitute, was then concurred in and adopted by the Senate.

ADJOURNMENT

At 5:40 P.M., on motion of Mr. Keener, and pending further consideration of the Bill, S. B. 174, the Senate adjourned until Thursday, February 4, 1982, at 10 o'clock A.M.

**EIGHTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 4, 1982**

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Terry Veazey, Pastor, Montgomery Tabernacle, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. NAMING THE BRIDGE ON HIGHWAY 50, SPANNING THE TALLAPOOSA RIVER AT MARTIN DAM AND CONNECTING TALLAPOOSA AND ELMORE COUNTIES, THE "JACK B. VENABLE BRIDGE."

WHEREAS, the old Martin Dam Bridge on Highway 50 across the Tallapoosa River was totally destroyed, its destruction due to wash-outs caused by flood swollen waters; and

WHEREAS, without this vital link, the residents of Elmore and Tallapoosa Counties were required to drive many additional miles to reach once easily accessible destinations via the Martin Dam Bridge; and

WHEREAS, the recently completed replacement for the old bridge was made possible through the acquisition of federal funds which were obtained primarily through the tireless efforts of our colleague Representative Jack Venable of Tallassee, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of and in gratitude to Representative Jack B. Venable, we hereby name and designate the bridge over Hwy 50 spanning the Tallapoosa River at Martin Dam and connecting Elmore and Tallapoosa Counties, the "Jack B. Venable Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as the "Jack B. Venable Bridge."

RESOLVED FURTHER, That a copy of this resolution be provided for our friend, Jack Venable, as a memento of this designation in his honor.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 349. To require the state department of revenue to pay attorneys fees for persons who are successful against the department in certain specified law suits.

Committee on Judiciary.

By Mr. Callahan:

S. 350. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership."

Committee on Education.

By Mr. Robertson:

S. 351. To amend Section 40-23-35, Code of Alabama, 1975, so as to delete the provision requiring the costs of administering the state food stamp program to be paid from the state sales tax.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 352. To amend further Section 9-17-23 of the Code of Alabama, 1975, relating to the integration of separately owned tracts of land and development of same in drilling units.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. White, Teague, Parsons, Miller, Goodwin, Callahan, and St. John:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 354. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 355. To amend Sections 33-5-1 through 33-5-36 of the Code of Alabama 1975, relating to registration and operation of vessels on the waters of this state and Section 40-17-31 pertaining to Marine Fuel Tax so as to transfer the Marine Police Division from the Department of Conservation and Natural Resources to the Department of Public Safety.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Vacca:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 357. To amend Section 25-4-90, Code of Alabama 1975, relating to filing claims for unemployment compensation, so as to provide further therefor,

and to require employers to furnish separation notices which shall be required when an employee files a claim for benefits; and providing for the forms of such notice.

Committee on Business and Labor Relations.

MOTIONS IN WRITING

Mr. Callahan offered the following Senate Resolution, to-wit:

I move that the Bill, S. B. 226, on page 51 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 226, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan then offered the following Senate Resolution, to-wit:

I move that the Bill, S. B. 276, on page 52 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 276, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 53. REQUESTING MR. FRANKLIN JAMES, DIRECTOR OF THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, TO CALL AN IMMEDIATE HALT TO THE CLOSING OF STATE EMPLOYMENT SERVICE OFFICES AND/OR UNEMPLOYMENT COMPENSATION CLAIMS OFFICES, AND TO RE-OPEN THOSE THAT HAVE ALREADY BEEN CLOSED.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

RESOLUTION

Messrs. Callahan, Bailey, Barron, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. CONGRATULATING MR. AND MRS. ROBERT B. GEDDIE, JR., ON THE BIRTH OF A DAUGHTER.

WHEREAS, the Alabama Legislature notes with warm congratulations the birth of a beautiful new baby girl to Mr. and Mrs. Robert B. Geddie, Jr., of Montgomery; and

WHEREAS, Mr. Geddie, who is an executive assistant to Governor James, and his lovely wife, the former Susan Davidson, became parents for the first time on January 29, 1982; and

WHEREAS, we indeed share the joy and pleasure of our friends, Susan and Bob Geddie, and sincerely wish for little Mary Alston a long lifetime of happiness, wisdom and good fortune in full measure; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. and Mrs. Robert B. Geddie, Jr., and direct that they receive a copy of this resolution that they may now know, and that Mary Alston may later know, of our sincere warm wishes for her every success in life.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Martin offered the following motion in writing, to-wit:

I move that the Bill, H. B. 167, on page 41 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 167, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 50. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 64. ENCOURAGING ALABAMIANS TO SUPPORT THE ECONOMIC DEVELOPMENT OF OUR STATE AND NATION THROUGH THEIR PURCHASE OF AMERICAN-MADE AUTOMOBILES.

Also:

H. J. R. 32. URGING THE RETIREMENT SYSTEMS OF ALABAMA TO IMPLEMENT A PLAN OF TAX DEFERMENT OF MEMBERS' CONTRIBUTIONS.

Also:

H. J. R. 66. EXTENDING THE REPORTING DATE FOR THE CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 75. COMMENDING MR. MUREAL REED CRUMP, RECIPIENT OF THE UNITED STATES JAYCEES DISTINGUISHED SERVICE AWARD.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 88. COMMENDING MR. JIM KACKER FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

On motion of Mr. Weeks, said Resolution was then concurred in and adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

H. 172. Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; to repeal certain conflicting laws; and to provide for the funding of said jail.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 172, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 172

A BILL TO BE ENTITLED AN ACT

Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; and to repeal certain conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the legislative intent of this act that the Coffee County Commission may construct a jail or renovate existing property for a jail in New Brockton, Alabama, and that said jail shall be used by both county divisions of the judicial circuit encompassing Coffee County.

Section 2. The Coffee County Commission is hereby authorized to construct a jail or renovate existing property into a jail and maintain said jail in New Brockton. At the time said new jail in New Brockton has been constructed or renovated and is ready for occupancy, any other jail or jails in the county shall cease to function and shall no longer be county jails. This act shall have no effect on city jails. The county commission shall not be obligated

to construct or maintain a jail at any other locality within the county. Until the opening of the new jail in New Brockton, the present jails shall continue to function in their present capacity.

Section 3. The jail in New Brockton shall be used to house all persons ordered to jail within the county, regardless of which portion or division of the judicial circuit encompassing Coffee County has jurisdiction of said person.

Section 4. That portion of Act 164, Regular Session 1907, as amended (Acts of 1907, p. 279), which authorizes the construction and maintenance of a jail in Enterprise is hereby repealed. That portion of Act 364, Regular Session 1851, as amended (Acts of 1849-51, p. 454), which authorizes the construction and maintenance of a jail in Elba is hereby repealed. Any other local law which conflicts with the provisions of this act shall be repealed insofar as said act conflicts with this act. If any portion of this section is declared invalid or unconstitutional, then this whole section shall be considered invalid or unconstitutional.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Hilliard	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

And said Bill, H. B. 172, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Hilliard	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 264. Relating to Conecuh County; to provide for an additional clerk hire allowance for the tax assessor and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Hilliard	Pearson	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Little		

—25

Nays: —0

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 81-652, 1981 Regular Session, the report of the Joint Interim Study Committee on Unemployment Compensation was read and ordered filed with the Secretary.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 47. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 163.

On motion of Mr. Hall, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Mitchem
Bailey	Hall	Little	Parsons
Barron	Harrison	Martin	Robertson
deGraffenried	Higginbotham	McDonald	Taylor
Glass	Hilliard	Miller	White
Goodwin	Holmes		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 163. Relating to Jefferson County; to provide certain health benefits to Jefferson County Pension System members who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 163, to-wit:

COMMITTEE AMENDMENT TO S. B. 163

Amend Senate Bill 163, by deleting the sentence beginning on line 27, of page 1, and ending on line 30 of page 1. Replace the deleted sentence with the

following: "Provided, however, that the portion of benefit costs, paid by said retired person, shall be two-thirds of the amount of the benefit costs, with one-third of the benefit costs paid by the Jefferson County Pension System."

Further amend Senate Bill 163, section 4, by adding, on line 5 and line 9 of page 2, after the word "commission", the following: "and funded by the Jefferson County Pension System."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Hilliard	Miller	Teague	
Cook	Keener	Mitchem	Vacca	
Denton	Kirkland	Pearson	White	
Figures	Lemaster			—25

Nays: —0

And said Bill, S. B. 163, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Hilliard	Miller	Teague	
Cook	Keener	Mitchem	Vacca	
Denton	Kirkland	Pearson	White	
Figures	Lemaster			—25

Nays: —0

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit;

S. R. 56. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 318.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Kirkland (with notice and proof):

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coronor; and repealing conflicting laws.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

REGULAR SESSION
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Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Bailey	Harrison	Martin	Smith
deGraffenried	Higginbotham	McDonald	Teague
Denton	Holmes	Miller	Vacca
Glass	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge			

—24

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

Nays:

—0

REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 208. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Little and Higginbotham (With Substitute) (With Amendment)

S. 245. To prohibit any municipality from annexing by condemnation or other process any waterworks system or any part thereof operated

by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the unanimous agreement of the members of said corporation or association.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 86. To amend Sections 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

By Mr. Taylor:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

By Mr. Bailey:

S. 261. To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds, or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (With Substitute) (With Amendments):

S. 143. To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, also to amend Sections 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1 to exclude children attending church schools from compulsory attendance and to exclude church schools from reporting.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 182. To provide authority for the state board of education to appoint a chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set the salary of its chief executive officers; establish the authority of the board and chancellor regarding the junior colleges and trade schools and the office of the chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade school.

By Mr. Bailey:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a

position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in and grant tenure to certain professional personnel of the Department of Youth Services under the teacher tenure law; to provide for an employment procedure for new professional personnel and other staff personnel; to provide for a salary schedule for all educational personnel of the Department of Youth Services; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed to parimateria with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

By Mr. Higginbotham:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 328. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided such tax is approved by a majority of the qualified electors of the county who vote thereon.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Minus (with notice and proof):

H. 232. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which

these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

By Rep. Minus (with notice and proof):

H. 233. Relating to Choctaw County; to provide for an additional expense allowance for the county coroner.

By Rep. Minus (with notice and proof):

H. 234. Relating to the Town of Pennington of Choctaw County; to provide further as to who may be appointed to the Pennington Water Works Board.

By Reps. Roberts and Patton (with notice and proof):

H. 372. Relating to Morgan County; amending further Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur, so as to provide further for the auditing procedure of the Board.

By Rep. Hammett (with notice and proof):

H. 390. Relating to the levy of additional sales and use taxes for purposes of the general fund in Covington County; authorizing the county governing body to levy and collect, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Title 40, Chapter 23 of the Code of Alabama 1975; and providing for collection and enforcement of taxes by the state department of revenue.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 147. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

By Mr. Kirkland:

S. 151. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

By Mr. Kirkland:

S. 158. To amend Sections 12-16-9 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

By Mr. Kirkland:

S. 161. To repeal Section 13A-10-106 Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance

of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 152. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding 10 years.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 260. To provide that the Commissioner of the Alabama Department of Corrections shall create and implement an administrative procedure in which inmates can redress grievances against officials, officers and agents of the Alabama Department of Corrections and other related state officials stemming from their incarcerated status.

By Mr. Kirkland:

S. 153. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

By Mr. Kirkland:

S. 156. To amend Section 13A-5-9 of the Code of Alabama 1975, to provide that when a defendant has been previously convicted of any three felonies, then upon conviction of a Class A felony, he must be punished by imprisonment for life without parole, but in all other cases where it is shown that a criminal defendant has been previously convicted of any felony and after such conviction has committed another felony, the defendant may be punished under the provisions of the habitual felony offender act.

By Mr. Kirkland:

S. 150. To amend Section 15-22-36, Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for the notification procedure.

By Mr. Kirkland:

S. 241. To amend Section 15-19-1 of the Code of Alabama 1975, to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

By Mr. Kirkland:

S. 160. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or

if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 239. To provide a procedure for hearings by the court prior to release from custody and subsequent hearings on competency when examinations have been completed to determine the defendant's competency.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 240. To require the superintendents of Alabama's state mental hospitals to accept and to commence evaluation of any individual ordered to undergo an examination into their mental condition by a circuit court having jurisdiction of the individual in question.

By Mr. Kirkland:

S. 149. To amend Section 36-25-27(d), Code of Alabama 1975, to provide that the venue of any criminal prosecution for violations under the Code of Ethics in Title 36, Chapter 25 of the Code of Alabama 1975, shall be in the county where the offense occurs except a violation involving the filing or failure to file any statement or disclosure form required by the Code of Ethics which shall remain in the county where the defendant resides.

By Mr. Kirkland:

S. 159. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

By Mr. Kirkland:

S. 154. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 148. To prohibit anyone from intentionally discharging any firearm, explosive, or other weapon into any dwelling or building as defined in Section 13A-7-1, Code of Alabama 1975, and to make violation thereof a Class C felony.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 157. To amend Section 13A-11-72(a) of the Code of Alabama, 1975 so as to provide that anyone who has been convicted of committing or attempting to commit a crime of violence shall not own a rifle or shotgun and shall not have either of those weapons in their possession or under their control.

By Mr. Kirkland:

S. 321. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; unlawfully visiting a place where controlled substances are being unlawfully used; unlawful possession of a counterfeit substance device; unlawful possession with intent to distribute a counterfeit substance; and, unlawful manufacture, distribution or dispensing of a counterfeit substance; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2 and 20-2-72; to repeal Code of Alabama 1975, §§20-2-70(b), 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 4. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 319. To amend Section 15-16-41 of the Code of Alabama 1975, to apply to defendants in criminal cases found to have committed the act while insane.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 285. To amend Section 15-16-24 of the Code of Alabama 1975, so as to clarify the verdict form rendered when a jury finds that the defendant did

the act charged as constituting the offense, but also finds that at the time of committing the act, the defendant was insane.

By Mr. Kirkland (With Substitute):

S. 194. To amend Section 12-15-1 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 155. To amend Section 22-50-22 of the Code of Alabama 1975, to permit depositions by the State of the superintendent or any physician of a State Mental Health facility or hospital.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Bailey:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

By Mr. Bailey:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 52. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 62.

On motion of Mr. Bailey, said Resolution was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:
Bailey

Barron
deGraffenried

Glass
Goodwin

Holmes
Keener

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Kirkland	McDonald	St. John	Vacca	
Lemaster	Miller	Smith	Weeks	
Little	Mitchem	Taylor	White	
Martin	Pearson	Teague		—22
<i>Nays:</i>				—0

BILLS ON THE THIRD READING RESUMED

The Bill:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Harrison	Martin	Smith	
Barron	Higginbotham	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	
Glass	Kirkland	Pearson	White	
Goodwin				—24
<i>Nays:</i>				—0

RESOLUTION

Messrs. Teague, Holmes, Parsons, Keener, and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS.

WHEREAS, The Alabama Legislature created Jacksonville State Normal School by Act Number 252, on February 22, 1883; and

WHEREAS, This State Normal School subsequently became Jacksonville State Teachers College; then, Jacksonville State College and currently is Jacksonville State University; and

WHEREAS, this institution will be one hundred years old on February 22, 1983; and

WHEREAS, Jacksonville State University has made outstanding educational opportunities available to thousands of Alabama's citizens; and

WHEREAS, this body has previously recognized the excellence of Jacksonville State University by commending it and establishing a Memorial highway in its honor;

WHEREAS, the Jacksonville State University Centennial will be celebrated during the 1982-83 academic year,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature, hereby, proclaims the day of February 22, 1983, as Jacksonville State University Centennial Day.

BE IT FURTHER RESOLVED, That we, of the very highest order, commend and congratulate the University, the present and former administration and faculty and graduates for the exceptional, superior and conspicuous progress.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Jacksonville State University President Theron E. Montgomery and its Board of Trustees.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 51. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 102.

On motion of Mr. Bailey, said Resolution was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Robertson	
Bailey	Harrison	Little	St. John	
Britnell	Higginbotham	Martin	Smith	
Callahan	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Weeks	
Denton	Kirkland	Mitchem		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Lemaster	Parsons
Bailey	Higginbotham	Little	Robertson
Callahan	Holmes	McDonald	Smith
deGraffenried	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Teague
Hall			—20

Nays: —0

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 58. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 68	43	School bus drivers, license, regulate
S. B. 169	26	AL. court of criminal appeals, hire staff approp.
S. B. 246	51	Alabama Child Labor Act, exempt actors
S. B. 145	28	State Board of Pardons & Paroles, empl. incentive award
S. B. 262	41	State treasurer employees, open safe
S. B. 210	40	State warrants, destruction of

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Messrs. Harrison and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. MEMORIALIZING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT.

WHEREAS, the state of Alabama has a duty to support and defend the Constitution of the United States against all enemies, foreign and domestic; and

WHEREAS, the Constitution vests in the Congress of the United States supreme power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures"; and

WHEREAS, the Congress passed the Federal Reserve Act in 1913" . . . to furnish an elastic currency," and thereby abdicated its duty to the American people to fix a constant lawful value for United States money and thus insure prosperity for honest, law-abiding, productive citizens; and

WHEREAS, the national debt in 1913 was less than TWO BILLION DOLLARS for the entire Nation, while the national debt in 1981 approximates ONE TRILLION DOLLARS; and

WHEREAS, the people of Alabama are suffering the disastrous effects of bankruptcy, unemployment, and privation, when they are ready, willing and able to work for an honest living, but many find themselves unable to do so, for lack of available jobs or capital; and

WHEREAS, the direct effect of the dictatorial control of interest rates exercised by the Board of Governors of the Federal Reserve System has been steeply accelerating and inflationary interest charges, with the consequent and predictable destruction of business, agriculture and industry in Alabama and the Nation; and

WHEREAS, the Federal Reserve Act, Section 19, specifically precludes the State of Alabama from effectively legislating or enacting any lawful ceiling on the extortionate interest rates or usury demanded of our people by the Federal Reserve bankers, thereby immunizing the banks and bankers from any threat of civil or criminal penalty on account of their extortionate monetary demands; and

WHEREAS, the direct effect of the Federal Reserve Act, as amended, is to lay an interest charge upon every single dollar of paper currency which circulates in our State and Nation as a Federal Reserve Note, and it thereby lays an invisible burden on uncontrolled and uncontrollable debt and taxes upon the backs of our people; and

WHEREAS, the United States Government owns no stock in the Federal Reserve System, and the Federal Reserve is not a government agency, and is, in fact, an oppressive and extortionate, privately owned economic monopoly, entirely independent of any real governmental control, except by means of direct legislative action and intervention by the Congress, which established the Federal Reserve in the first place; and

WHEREAS, Section 30 of the Federal Reserve Act provides that "The right to amend, alter or repeal this Act is expressly reserved"; and

WHEREAS, the Honorable Henry Gonzales, United States Congressman from the State of Texas has introduced a Bill, H. R. 4358, in the United States Congress, expressly providing for the immediate repeal of the Federal Reserve Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby memorializes the Congress of the United States, and especially Alabama's Congressional Delegation, both Senate and House of Representatives, for the immediate passage of this important legislation, H. R. 4358, to the end that peace and prosperity, and the blessings of a Sovereign God may be the lot of our people.

RESOLVED FURTHER, That a copy of the resolution be sent to each member of the Alabama Congressional Delegation and to each presiding officer of the United States Congress.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 212, on page 35 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 212, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Vacca then offered the following Senate Resolution, to-wit:

S. R. 60. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 212.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Vacca:

S. 212. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 174. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

The question was on the substitute, as amended, offered by Mr. Pearson, which said substitute is set out in the Journal of the Senate for the Seventh Legislative Day.

Messrs. Little and Miller offered the following amendment to the substitute, as amended, for the Bill, S. B. 174, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Amend Senate Bill 174 as substituted and amended on page 3 after line 7 by inserting the following subsection 3-A-1 and by renumbering the following subsections accordingly.

"1. Arts and Humanities, Council
on the:

(a) Fine Arts Program

1,140,560

(b) Jefferson County Committee for Economic Opportunity, Inc.	25,000
(c) Alabama Outdoor Drama	10,000
(d) Brown Arts Council	7,500
(e) Heritage Band	10,000

The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) ASETF-Transfer	852,500		
(2) Federal and Local Funds		340,560	
Total Council on the Arts and Humanities	852,500	340,560	1,193,060"

Which was adopted.

MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 213, on page 36 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 213, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Vacca then offered the following Senate Resolution, to-wit:

S. R. 61. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 213.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Vacca:

S. 213. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Which was read and referred to the Standing Committee on Rules.

Mr. Callahan offered the following Senate Resolution, to-wit:

S. R. 62. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 226.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Callahan:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

Which was read and referred to the Standing Committee on Rules.

Mr. Callahan then offered the following Senate Resolution, to-wit:

S. R. 63. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 276.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Callahan:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 174

The Senate proceeded to further consideration of the Bill, S. B. 174. The question was on the Pearson substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 171. To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements; to permit said counties to erect a jail on any property owned by the county within the county unless provided otherwise by subsequent local law; and to provide that each county shall be required to maintain a jail.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolutions:

H. J. R. 68. COMMENDING THE GARDENDALE HIGH SCHOOL ROCKETS, 1981 REGION 6, CLASS 4A, FOOTBALL CHAMPIONS.

Also:

H. J. R. 69. COMMENDING COACH HERBERT EDWIN BRUCE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 70. COMMENDING JEFF PARKS OF GARDENDALE HIGH SCHOOL FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 27. COMMENDING CAPTAIN ED LIGHTSEY UPON HIS RETIREMENT AS A STATE CONSERVATION OFFICER.

Also:

S. J. R. 29. COMMENDING 1981 ALL-AMERICAN JOHN HAND OF SYLACAUGA HIGH SCHOOL.

Also:

S. J. R. 30. HONORING JUDGE BEN REEVES UPON HIS RETIREMENT AS PROBATE JUDGE, PIKE COUNTY, ALABAMA.

Also:

S. J. R. 33. COMMENDING THE 1981 GOLF TEAM AND COACH ANTHONY DRAGOIN OF AUBURN UNIVERSITY.

Also:

S. J. R. 48. CORDIALLY INVITING PRESIDENT RONALD REAGAN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE AND CALLING FOR SAID JOINT SESSION TO BE HELD ON MARCH 15, 1982.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey (with notice and proof):

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 368, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 368. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Willis, Crow, Campbell, Dial, Laird, Blake, Bennett and Rains:

H. J. R. 100. COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS.

Also:

By Reps. Minus and Manley:

H. J. R. 102. COMMENDING MR. W. L. STEPHENS OF YORK, ALABAMA, UPON HIS RETIREMENT AS A STATE CATTLE INSPECTOR.

Also:

By Reps. McKee and Dixon:

H. J. R. 103. COMMENDING MR. LARRY STEVENS, PROMINENT MONTGOMERY CIVIC LEADER AND DISTINGUISHED RADIO EXECUTIVE AND ANNOUNCER.

Also:

By Rep. Cobb:

H. J. R. 104. COMMENDING THE HAMILTON HIGH SCHOOL NINTH GRADE JUNIOR TEAM ON ITS OUTSTANDING BASKETBALL RECORD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R. 's 100, 102, 103, and 104, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and McCorquodale:

H. 41. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p.), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Also:

By Reps. Gafford and Waggoner (with notice and proof):

H. 79. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 79, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 41. To the Committee on Finance and Taxation.

H. B. 79. To the Committee on Local Legislation No. 2.

FURTHER CONSIDERATION OF S. B. 174

The Senate proceeded to further consideration of the Bill, S. B. 174. The question was on the Pearson substitute, as amended.

Mr. White offered the following substitute for the Pearson substitute, as amended, for the Bill, S. B. 174, to-wit:

WHITE SUBSTITUTE FOR PEARSON SUBSTITUTE,
AS AMENDED, FOR S. B. 174

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1983 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1983 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the 1975 Code of Alabama), the provisions of The Budget Management Act (Act No. 494 adopted at the 1976 Regular Session), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

SECTION 3.

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program	950
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SOURCE OF FUNDS:

(1) ASETF-Transfer	950	
Total Alabama Academy of Honor	950	950

2. Arts and Humanities, Council on the:

(a) Fine Arts Program	663,060
(b) Alabama Symphony	200,000
(c) Alabama Shakespeare Festival	25,000
(d) Jefferson County Committee for Economic Opportunity, Inc.	25,000
(e) Alabama Outdoor Drama	10,000
(f) Brown Arts Council	7,500
(g) Heritage Band	10,000

The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) ASETF-Transfer	600,000		
(2) Federal and Local Funds		340,560	
Total Council on the Arts and Humanities	600,000	340,560	940,560

3. Debt Service

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	218,256
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(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated ... 34,964

For interest on Auburn University Endowment .. 20,280

For interest on University of Alabama Endowment 61,000

For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands, Estimated	410,000
Interest on School Indemnity Lands, Estimated	90,000
Interest on Valueless 16th Section Lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275
Total	649,708

SOURCE OF FUNDS:

(1) ASETF	867,964	
Total Debt Service	867,964	867,964

4. Dental Scholarship Awards, Board of:

(a) Support of Other Educational Activities Program	227,000
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SOURCE OF FUNDS:

(1) ASETF	227,000	
Total Board of Dental Scholarship Awards	227,000	227,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session).

5. Education, Department of:

(a) Instructional Technical Assistance Program	7,074,285
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SOURCE OF FUNDS:

(1) ASETF	1,722,441	
(2) Federal & Local Funds	5,351,844	
Total Instructional Technical Assistance Program	1,722,441	5,351,844
		7,074,285

(The appropriation for Special Education Administration, which is included herein, is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act).

(b) Local Agency Support Program	10,436,514
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The proposed spending plan for the above is as follows:

Driver Education, School Bus
Driver Training and Vehicle
Safety Inspection 205,000

Free Textbooks 7,887,700

In addition to the above appropriation, \$2,450,000 is hereby appropriated from the Alabama Special Education Trust Fund for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing 600,000

Plans and Surveys 71,000

SOURCE OF FUNDS:

(1) ASETF	8,763,700		
(2) Federal and Local Funds		<u>1,672,814</u>	
Total Local Agency Support Program	<u>8,763,700</u>	<u>1,672,814</u>	<u>10,436,514</u>

(c) Regulation Program			1,196,000
Teacher Certification and Accreditation			257,105

SOURCE OF FUNDS:

(1) ASETF	257,105		
(2) Federal and Local Funds		<u>938,895</u>	
Total Regulation Program	<u>257,105</u>	<u>938,895</u>	<u>1,196,000</u>

(d) Administration Services Program			10,879,032
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The proposed spending plan for the above is as follows:

Compact for Education ... 32,000

Operations & Maintenance of Department

Telephone Network
Fund

SOURCE OF FUNDS:

(1) ASETF	2,926,822		
(2) Federal and Local Funds		<u>7,952,210</u>	
Total Administrative Services Program	<u>2,926,822</u>	<u>7,952,210</u>	<u>10,879,032</u>

The above appropriation shall include a transfer to the State Personnel Department of \$72,952.

(e) Adult Education Program . . . 3,701,496

The proposed spending plan for the above is as follows:

Adult Basic Education 1,200,000

Community Education . . 136,000

SOURCE OF FUNDS:

(1) ASETF	1,336,000		
(2) Federal and Local Funds		<u>2,365,496</u>	
Total Adult Education Program .	<u>1,336,000</u>	<u>2,365,496</u>	<u>3,701,496</u>

(f) Support of State Universities Program 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>256,833</u>	
Total Support of State Universities Program		<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Rehabilitation/Crippled Children Services Program 601,145

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>601,145</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program		<u>601,145</u>	<u>601,145</u>

(h) Disability Determination for Social Security Program 16,704,067

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>16,704,067</u>	
Total Disability Determination for Social Security Program		<u>16,704,067</u>	<u>16,704,067</u>

(i) Financial Assistance Program 193,198,170

SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>193,198,170</u>	
Total Financial Assistance Program		<u>193,198,170</u>	<u>193,198,170</u>

(j) Support of Other Educational Activities 9,300

The proposed spending plan for the above is as follows: Education of Dependents of Blind Parents 9,300

SOURCE OF FUNDS:

(1) ASETF	9,300	
Total Support of Other Educational Activities	9,300	9,300

For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Educational Program	1,500,000
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To be distributed by the Department of Education as follows:

- (1) West Alabama Emergency Medical Services, Inc. . 250,000
- (2) Birmingham Regional Emergency Medical System 250,000
- (3) North Alabama Emergency Medical Services, Inc. . 250,000
- (4) Southeast Alabama Emergency Medical Services System, Inc. 250,000
- (5) East Alabama Emergency Medical Services, Inc. . 250,000
- (6) Southwest Alabama Emergency Medical Services Council, Inc. 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	1,500,000	
Total Emergency Medical Services Education Program	1,500,000	1,500,000
(1) Direct Client Services for the Handicapped		36,628,545

To be distributed by the Department of Education as follows:

Crippled Children Services Program 4,431,867

Hemophilia Program 279,000

Homebound Program .. 2,134,000

Rehabilitation Services Program 6,166,675

Handicapped Recreation Program 186,000

(To provide recreation and services at a year-round accredited handicapped recreation facility).

SOURCE OF FUNDS:

(1) ASETF 13,197,542

(2) Federal and Local Funds 23,431,003

Total Direct Client Services for the Handicapped 13,197,542 23,431,003 36,628,545

TOTAL DEPARTMENT OF EDUCATION

SOURCE OF FUNDS:

(1) ASETF 29,712,910

(2) Federal and Local Funds 252,472,477

Grand Total Department of Education 29,712,910 252,472,477 282,185,387

6. Employees' Insurance, State .. 816,000

SOURCE OF FUNDS:

(1) ASETF 816,000

Total State Employees' Insurance 816,000 816,000

7. Employees' Retirement, State 272,000

SOURCE OF FUNDS:

(1) ASETF 272,000

Total State Employees' Retirement 272,000 272,000

8. Examiners of Public Accounts:

(a) Legislative Support-Audit Services Program 1,100,000

For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF-Transfer 1,100,000

Total Examiners of Public Accounts 1,100,000 1,100,000

9. Fine Arts, Alabama School of:

(a) Fine Arts Program 1,012,000

SOURCE OF FUNDS:

(1) ASETF 855,000

(2) Federal and Local Funds 157,000

Total Alabama School of Fine Arts 855,000 157,000 1,012,000

10. Firefighters' Personnel Standards and Education Commission, Alabama:

(a) Professional and Occupational Licensing & Regulation Program 105,946

The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$213.

SOURCE OF FUNDS:

(1) ASETF-Transfer 105,946

Total Alabama Firefighters' Personnel Standards and Education Commission 105,946 105,946

11. Health, Department of Public:

(a) Health Support Services Program 195,794

For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program 991,706

Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF-Transfer 1,187,500

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Total Department of Public Health	<u>1,187,500</u>	<u>1,187,500</u>
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12. Higher Education, Alabama
Commission on:

(a) Planning and Coordination Services Program		1,069,100
(b) Alabama Student Grant Pro- gram		3,000,000

SOURCE OF FUNDS:

(1) ASETF	<u>4,069,100</u>	
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Total Alabama Commission on Higher Education	<u>4,069,100</u>	<u>4,069,100</u>
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The Alabama Student Grant funds
are to be expended in accordance
with Act No. 90, 1978 Second
Special Session.

13. Industrial Development Train-
ing Institute, Alabama:

(a) Industrial Training Program		1,350,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,350,000</u>	
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Total Alabama Industrial Devel- opment Training Institute	<u>1,350,000</u>	<u>1,350,000</u>
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14. State Board of Education-
Junior College School System:

(a) Academic Instruction and In- stitutional Support Program ..		72,455,035
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SOURCE OF FUNDS:

(1) ASETF	42,551,826	
(2) Federal and Local Funds		6,293,416
(3) State Funds		3,570,711
(4) Other Funds		14,757,824
(5) Auxiliary Enterprises		<u>5,281,258</u>

Total Junior College School Sys- tem	<u>42,551,826</u>	<u>29,903,209</u>	<u>72,455,035</u>
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This appropriation to the Alabama
State Board of Education for the
Junior College Equalization Ac-
count is to be used for operation
and maintenance of the Junior
Colleges listed herein and is to be
distributed on the following for-
mula:

(A) \$200,000 to each junior college.

(B) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1981-82 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1981-82 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit-producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required.

(The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace State Community College at Hanceville, and (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$292,329 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama:

(a) Support of Other Educational Activities Program	251,068
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SOURCE OF FUNDS:

(1) ASETF	<u>251,068</u>	
Total Alabama Law Institute	<u>251,068</u>	<u>251,068</u>

16. Legislature:

(a) House Operations & Support Program	940,500
(b) Senate Operations & Support Program	627,000

SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,567,500</u>	
Total Legislature	<u>1,567,500</u>	<u>1,567,500</u>

17. Library Service, Public:

(a) Public Library Service Pro- gram	4,018,363
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) ASETF	3,094,490		
(2) Federal and Local Funds		<u>923,873</u>	
Total Public Library Service	<u>3,094,490</u>	<u>923,873</u>	<u>4,018,363</u>

Any State Funds which are awarded to public libraries shall be used by such libraries for acquisitions only.

18. Marine Environmental Sciences Consortium:

(a) Support of Other Educational Activities Program			691,000
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SOURCE OF FUNDS:

(1) ASETF	500,000		
(2) Federal and Local Funds		<u>191,000</u>	
Total Marine Environmental Sciences Consortium	<u>500,000</u>	<u>191,000</u>	<u>691,000</u>

19. Medical Scholarships Awards, Board of:

(a) Support of Other Educational Activities Program			716,000
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SOURCE OF FUNDS:

(1) ASETF	<u>716,000</u>		
Total Board of Medical Scholarships Awards	<u>716,000</u>		<u>716,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session).

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program			518,506,159
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SOURCE OF FUNDS:

(1) ASETF	480,329,674		
(2) Public School Fund		33,500,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>480,329,674</u>	<u>38,176,485</u>	<u>518,506,159</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1982-83 is based on 23,562 teacher units.

It is provided in the event there are more than 23,562 earned teacher units for the fiscal year 1982-83, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$396,435,872. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	2,577.69	\$ 48,274,978
I	17,535	12,254.60	214,884,411
II	15,267	8,729.71	133,276,483
III	12,855	0	0
IV	11,163	0	0
		<u>23,562.00</u>	<u>\$396,435,872</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$68,154,734.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,528,467.

For "Principal Supplement" an amount not to exceed the total of \$2,356,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$49,880,886.

21. Board of Education:

(a) Financial Assistance Program 266,774,099

SOURCE OF FUNDS:

(1) ASETF 266,774,099

Total Board of Education 266,774,099 266,774,099

To be distributed by the State
Board of Education for:

- (a) Hospital Medical Insurance
Assistance for Professional Staff,
Support Staff, and Adult School
Bus Drivers 18,598,968

Of the appropriation hereinabove
made for Hospital Medical In-
surance there is hereby appro-
priated the sum of three hundred
nine dollars (\$309.00) per annum
per teacher, administrative
supervisory unit, full-time sup-
port employee, and adult school
bus driver, provided that no more
than \$309.00 shall be appropri-
ated per person.

- (b) Teachers' Sick
Leave 3,500,000

Of the appropriation hereinabove
made for Teachers' Sick Leave,
the rate of not more than \$17 per
day is hereby appropriated.

- (c) Support Personnel Sick
Leave 1,431,781

The appropriation hereinabove
shall provide sick leave in ac-
cordance with Act No. 208, 1977
Regular Session.

- (d) Teachers' Personal
Leave 925,598

The appropriation hereinabove
made to Teachers' Personal
Leave provides for two (2) days
personal leave at \$17 per teacher
unit for each teacher employed
(except ESEA Title I, Title III
and Title IV teachers and ESAA
teachers).

- (e) Funds to Replace
Fees 9,500,000

Of the appropriation hereinabove made for Funds to Replace Fees there
is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for
grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades
7-12 for all teachers employed (except ESEA Title I, Title III and Title IV
teachers and ESAA teachers).

- (f) Maintenance 5,630,287

- (g) Continuation of funds previ-
ously granted for Special Educa-
tion 25,048,991

Of the \$25,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher -
units 20,584,032

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$17,389,996. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	31.21	\$ 584,501
I	17,535	349.92	6,135,847
II	15,267	698.87	10,669,648
		<u>1,080.00</u>	<u>\$17,389,996</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$3,123,976.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher -
units 33,353,574

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,686 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,367,330. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

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Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	184.45	\$ 3,454,380
I	17,535	876.89	15,376,266
II	15,267	624.66	9,536,684
		<u>1,686.00</u>	<u>\$28,367,330</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$4,876,873.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$109,371.

(j) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-6 12,858,741

The above appropriation is for 650
teacher units and includes
salaries, other current expenses,
and capital improvements at the
following rates:

For "Salaries" the sum shall not exceed \$10,936,404. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	71.11	\$1,331,748
I	17,535	338.07	5,928,057
II	15,267	240.82	3,676,599
		<u>650.00</u>	<u>\$10,936,404</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$1,880,171.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education . .64,960,248

The above appropriation is for
3,250 teacher units and includes
salaries, other current expenses,
capital improvements, and
transportation at the following
rates:

For "Salaries" the sum shall not exceed \$54,548,567. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,728	249.92	\$ 4,680,502
I	17,535	1,792.70	31,434,995
II	15,267	1,207.38	18,433,070
		<u>3,250.00</u>	<u>\$54,548,567</u>

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$9,400,853.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(1) Vocational Teacher
Units 57,861,511

The appropriation hereinabove for vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education 6,479,568

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,521,357. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	18,728	28.81	\$ 558,282
I	17,535	207.97	3,646,754
II	15,267	86.22	1,316,321
		324.00	\$5,521,357

For "Other Current Expenses" an amount not to exceed \$2,892.57 for each earned teacher unit but the total shall not exceed the sum of \$937,193.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Salary increase for lunch-room workers formerly granted 6,040,800

22. Nursing, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program 687,500

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$639.

SOURCE OF FUNDS:

(1) ASETF-Transfer—as provided in Act No. 68, 1977 Special Session. Scholarships for Graduate Nurses 57,000

(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended 630,500

Total Alabama Board of Nursing	57,000	630,500	687,500
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23. Peace Officers Standards and Training Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Pro- gram	116,998
(b) Certified Law Enforcement Academy Program	300,000

The appropriation to the Alabama
Peace Officers' Standards and
Training Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$160.

SOURCE OF FUNDS:

(1) ASETF-Transfer	116,998		
(2) Alabama Peace Officers' Stan- dards and Training Fund—as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended		<u>300,000</u>	
Total Alabama Peace Officers' Standards and Training Com- mission	<u>116,998</u>	<u>300,000</u>	<u>416,998</u>

24. Physical Fitness, Commission
on:

(a) Advisory Services Program ..	108,315
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The appropriation to the Commis-
sion on Physical Fitness shall in-
clude a transfer to the State Per-
sonnel Department of \$213.

SOURCE OF FUNDS:

(1) ASETF	<u>108,315</u>		
Total Commission on Physical Fit- ness	<u>108,315</u>		<u>108,315</u>

25. State Board of Education Post-
secondary Vocational-Technical
Education System:

(a) Academic Instruction and In- stitutional Support Program ..	56,752,151
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SOURCE OF FUNDS:

(1) ASETF	36,347,028		
(2) Federal and Local Funds		3,324,861	
(3) State Funds		658,995	
(4) Other Funds		11,808,645	
(5) Auxiliary Enterprises		<u>4,612,622</u>	
Total Postsecondary Vocational- Technical Education System ..	<u>36,347,028</u>	<u>20,405,123</u>	<u>56,752,151</u>

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The above appropriation is to be distributed to the following Vocational-Technical Schools:

(1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$324,809 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

26. Shelton State Community
College-State Fire College:

(a) Academic Instruction and Institutional Support Program ..	228,559
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SOURCE OF FUNDS:

(1) ASETF	<u>228,559</u>
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Total Shelton State Community College-State Fire College	<u>228,559</u>	<u>228,559</u>
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27. Social Security (ASETF
Share):

(a) For State's Share of Social Security, Estimated	89,900.000
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SOURCE OF FUNDS:

(1) ASETF	<u>89,900,000</u>
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Total Social Security (ASETF Share)	<u>89,900,000</u>	<u>89,900,000</u>
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28. Teachers' Retirement System
of Alabama:

(a) Retirement Systems Program, Estimated	181,376,000
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	168,500,000
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(2) ASETF-Teachers' Special Pension Fund, Estimated	12,876,000	
Total Teachers' Retirement System Program (State's Share)	<u>181,376,000</u>	<u>181,376,000</u>

29. Tenure Commission, State:		
(a) Regulation Program		8,000

SOURCE OF FUNDS:

(1) ASETF	<u>8,000</u>	
Total State Tenure Commission ..	<u>8,000</u>	<u>8,000</u>

30. Television Commission, Education:

(a) Educational TV Services Program		2,785,621
(b) Public Radio Services Program		185,541

The appropriation to the Education Television Commission shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) ASETF	2,121,162	
(2) Federal and Local Funds		<u>850,000</u>
Total Education Television Commission	<u>2,121,162</u>	<u>850,000</u> <u>2,971,162</u>

In addition to the above appropriation, \$1,000,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Education Television Commission to be conditioned on the availability of funds and the approval of the Governor.

31. Unemployment Compensation		2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	2,000,000	
Total Unemployment Compensation	<u>2,000,000</u>	<u>2,000,000</u>

32. Veterans' Education benefits:

(a) Administration of Veterans' Affairs Program		1,715,500
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SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,715,500</u>	
Total Veterans' Education Benefits	<u>1,715,500</u>	<u>1,715,500</u>

The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School, in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

33. Youth Services, Department of:

(a) Youth Services Program	10,739,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) ASETF	9,659,265		
(2) Federal and Local Funds		<u>1,080,548</u>	
Total Department of Youth Services	<u>9,659,265</u>	<u>1,080,548</u>	<u>10,739,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session). In addition to the above appropriation, \$2,500,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of the Governor.

Section 4.

A. FINANCIAL ASSISTANCE
TO NON-STATE EDUCATIONAL AGENCIES:

1. American Legion and Auxiliary Scholarships:

(a) Support of Other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	<u>4,700</u>	
Total American Legion and Auxiliary Scholarships	4,700	4,700

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(To be expended under the provisions of Act No. 676, 1978 Regular Session).

2. Environmental Quality Association, Alabama:

(a) Environmental Education Program	162,750
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SOURCE OF FUNDS:

(1) ASETF	162,750	
 Total Alabama Environmental Quality Association		
	162,750	162,750

Section 5.

COLLEGES, UNIVERSITIES
AND SCHOOLS

I. Board of Trustees of University of Alabama:

A. THE UNIVERSITY

1. Operations and Maintenance .	37,626,869	25,779,470	63,406,339
2. Research, Extension and Public Service	2,129,000	289,600	2,418,600
3. Emergency Medical Services .	145,000		145,000
4. Center for Emotionally Disturbed Children	548,000		548,000
5. Nursing Scholarships	18,000		18,000
6. School of Mines and Energy Development	1,583,000		1,583,000
7. Capstone Medical Center	862,000		862,000
8. Alabama Museum of Natural History	172,000	49,500	221,500
9. College of Community Health Services of Medical Education .	2,503,000	96,000	2,599,000
10. Cooperative University Upper Division Program-Gadsden	206,000	81,000	287,000
11. Rural Infant Stimulation Environment Program	144,000		144,000
12. High Risk Nursery	117,000		117,000
13. Safe State Program	178,000		178,000
14. Auxiliary Enterprises		22,811,388	22,811,388
15. Restricted Funds		17,505,000	17,505,000

SOURCE OF FUNDS:

(1) ASETF	46,231,869
(2) Other Funds	66,611,958

Total University of Alabama	<u>46,231,869</u>	<u>66,611,958</u>	<u>112,843,827</u>
B. UNIVERSITY OF ALABAMA IN BIRMINGHAM			
1. University College	15,664,126	17,108,200	32,772,326
2. School of Community and Allied Health	2,199,592	886,258	3,085,850
3. Regional Technical Institute ..	1,977,531	260,700	2,238,231
4. Joint Health Sciences	3,232,025	728,300	3,960,325
5. Student Nurses Loans	11,410		11,410
6. Nursing Scholarships	84,048		84,048
7. School of Nursing	3,443,601	957,425	4,401,026
8. Center for Labor Education and Research	271,861		271,861
9. Urban Research and Public Ser- vice	313,240		313,240
10. School of Medicine	17,460,597	15,104,220	32,564,817
11. School of Optometry	2,412,747	1,554,500	3,967,247
12. School of Dentistry	7,719,215	4,338,300	12,057,425
13. System Medical Education Program	504,682		504,682
14. School of Public Health	1,514,643	260,050	1,774,693
15. Family Practice Residency Programs	1,605,163		1,605,163
The above appropriation shall be expended for residency programs as follows:			
Anniston	252,722		
East End	252,722		
Jefferson County	252,722		
Montgomery	252,722		
Selma	341,553		
Gadsden	252,722		
16. Diabetes	100,000		100,000
17. University Hospitals	5,975,653	136,585,902	142,561,555
18. School of Engineering and Business	440,606		440,606
19. Public Health Research Pro- gram	144,102		144,102
20. Department of Pediatrics . . .	318,400		318,400
21. Health-Related Research and Public Service	2,915,266		2,915,266
22. Emergency Medical Service and Training	165,282		165,282

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23. Montgomery Internal Medical Residency	235,889		235,889
24. Hypertension Research	400,931		400,931
25. Multipurpose Arthritis Center	400,931		400,931
26. Medical Genetics Program ..	290,647		290,647
27. Research Development & Relations	150,000		150,000
28. Special Mental Health		3,454,288	3,454,288
29. Center for Developmental and Learning Disorders		583,926	583,926
30. Auxiliary Enterprises		7,460,500	7,460,500
31. Restricted Funds		<u>51,119,500</u>	<u>51,119,500</u>

SOURCE OF FUNDS:

(1) ASETF	69,952,098		
(2) Special Mental Health Trust Fund		4,038,214	
(3) Other Funds		<u>236,363,855</u>	
Total University of Alabama in Birmingham	<u>69,952,098</u>	<u>240,402,069</u>	<u>310,354,167</u>

C. UNIVERSITY OF ALABAMA IN HUNTSVILLE

1. Operations and Maintenance ..	7,884,328	8,954,735	16,839,063
2. Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	46,800		46,800
4. School of Primary Medical Care ..	2,812,903	127,200	2,940,103
5. Community Medicine Rural Preceptorship Program	32,538		32,538
6. Johnson Environmental and Energy Center	361,154		361,154
7. Ambulatory Care Center	848,017	637,000	1,485,017
8. School of Nursing	937,457	180,057	1,117,514
9. Paramedic Training	123,468		123,468
10. Alabama Solar Energy Center ..	356,667		356,667
11. Auxiliary Enterprises		<u>1,997,814</u>	<u>1,997,814</u>

SOURCE OF FUNDS:

(1) ASETF	13,421,332		
(2) Other Funds		<u>11,896,806</u>	
Total University of Alabama in Huntsville	<u>13,421,332</u>	<u>11,896,806</u>	<u>25,318,138</u>

II. Board of Trustees of Alabama
A & M University

A. ALABAMA A & M UNIVERSITY

1. Operations and Maintenance .	9,377,129	10,114,800	19,491,929
2. Vocational Teacher Training .	264,595		264,595
3. Cooperative Extension Service	300,000		300,000
4. Auxiliary Enterprises		<u>4,038,583</u>	<u>4,038,583</u>

SOURCE OF FUNDS:

(1) ASETF	9,941,724		
(2) Other Funds		<u>14,153,383</u>	
Total Alabama A & M University	<u>9,941,724</u>	<u>14,153,383</u>	<u>24,095,107</u>

III. Board of Trustees of Alabama
State University

A. ALABAMA STATE UNIVERSITY

1. Operations and Maintenance .	8,558,082	8,960,640	17,518,722
2. Auxiliary Enterprises		<u>4,178,037</u>	<u>4,178,037</u>

SOURCE OF FUNDS:

(1) ASETF	8,558,082		
(2) Other Funds		<u>13,138,677</u>	
Total Alabama State University .	<u>8,558,082</u>	<u>13,138,677</u>	<u>21,696,759</u>

IV. State Board of Education

A. ATHENS STATE COLLEGE

1. Operations and Maintenance .	1,601,496	882,569	2,484,065
2. Auxiliary Enterprises		<u>231,961</u>	<u>231,961</u>

SOURCE OF FUNDS:

(1) ASETF	1,601,496		
(2) Other Funds		<u>1,114,530</u>	
Total Athens State College	<u>1,601,496</u>	<u>1,114,530</u>	<u>2,716,026</u>

V. Board of Trustees of Auburn
University

A. AUBURN UNIVERSITY

1. Operations and Maintenance .	42,178,869	42,458,870	84,637,739
2. Educational Television	386,506		386,506

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3. Center for Vocational and Adult Education	548,910	548,910	
4. Clinical Psychology	120,760	120,760	
5. Engineering Experiment Station	919,351	919,351	
6. Public Service, Research and Extension	396,159	396,159	
7. Energy Research	282,971	282,971	
8. Food Animal Health and Disease Research	205,200	205,200	
9. Auxiliary Enterprises		<u>20,689,063</u>	<u>20,689,063</u>

SOURCE OF FUNDS:

(1) ASETF	45,038,726		
(2) Other Funds		<u>63,147,933</u>	
Total Auburn University	<u>45,038,726</u>	<u>63,147,933</u>	<u>108,186,659</u>

B. AGRICULTURAL EXPERIMENT STATION

1. Operations and Maintenance .	<u>8,250,466</u>	<u>11,120,396</u>	<u>19,370,862</u>
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SOURCE OF FUNDS:

(1) ASETF	8,250,466		
(2) Other Funds		<u>11,120,396</u>	
Total Agricultural Experiment Station	<u>8,250,466</u>	<u>11,120,396</u>	<u>19,370,862</u>

C. COOPERATIVE EXTENSION SERVICE

1. Operations and Maintenance .	8,967,860	9,517,166	18,485,026
2. Retirement	<u>1,400,000</u>		<u>1,400,000</u>

SOURCE OF FUNDS:

(1) ASETF	10,367,860		
(2) Other Funds		9,517,166	
Total Cooperative Extension Service	<u>10,367,860</u>	<u>9,517,166</u>	<u>19,885,026</u>

D. AUBURN UNIVERSITY AT MONTGOMERY

1. Operations and Maintenance .	7,123,109	6,387,993	13,511,102
2. Montgomery Area Community Health Sciences Institute	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	47,436	215,187
4. Auxiliary Enterprises		<u>1,619,450</u>	<u>1,619,450</u>

SOURCE OF FUNDS:

(1) ASETF	7,341,809		
(2) Other Funds		<u>8,054,879</u>	
Total Auburn University at Montgomery	<u>7,341,809</u>	<u>8,054,879</u>	<u>15,396,688</u>

VI. Board of Trustees of Jacksonville State University

A. JACKSONVILLE STATE UNIVERSITY

1. Operations and Maintenance .	11,741,620	5,376,000	17,117,620
2. Cooperative University Upper Division Program-Gadsden	464,000	91,000	555,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,890		100,890
5. Vocational Teacher Training .	100,890		100,890
6. Auxiliary Enterprises		<u>2,620,210</u>	<u>2,260,210</u>

SOURCE OF FUNDS:

(1) ASETF	12,425,400		
(2) Other Funds		<u>8,087,210</u>	
Total Jacksonville State University	<u>12,425,400</u>	<u>8,087,210</u>	<u>20,512,610</u>

VII. Board of Trustees of Livingston University

A. LIVINGSTON STATE UNIVERSITY

1. Operations and Maintenance .	3,858,725	1,180,304	5,039,029
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,496,700</u>	<u>1,496,700</u>

SOURCE OF FUNDS:

(1) ASETF	3,876,725		
(2) Other Funds		<u>2,677,004</u>	
Total Livingston University	<u>3,876,725</u>	<u>2,677,004</u>	<u>6,553,729</u>

VIII. Board of Trustees of University of Montevallo

A. UNIVERSITY OF MONTEVALLO

1. Operations and Maintenance .	6,123,283	3,245,101	9,368,384
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2. School of Aphasic Children . . .	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	19,597		19,597
5. Auxiliary Enterprises		<u>3,251,380</u>	<u>3,251,380</u>

SOURCE OF FUNDS:

(1) ASETF	6,500,754		
(2) Other Funds		<u>6,496,481</u>	
Total University of Montevallo . .	<u>6,500,754</u>	<u>6,496,481</u>	<u>12,997,235</u>

IX. Board of Trustees of University of North Alabama

A. UNIVERSITY OF NORTH ALABAMA

1. Operations and Maintenance .	8,233,217	5,366,032	13,599,249
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>2,734,905</u>	<u>2,734,905</u>

SOURCE OF FUNDS:

(1) ASETF	8,251,217		
(2) Other Funds		<u>8,100,937</u>	
Total University of North Alabama	<u>8,251,217</u>	<u>8,100,937</u>	<u>16,352,154</u>

X. Board of Trustees of University of South Alabama

A. UNIVERSITY OF SOUTH ALABAMA

1. Operations and Maintenance .	12,504,108	10,625,096	23,129,204
2. Medical Research and Public Service	284,223		284,223
3. Family Practice Residency Program	568,293		568,293
4. College of Medicine	9,285,484	9,942,287	19,227,771
5. Medical Center Hospital	1,144,714	35,745,779	36,890,493
6. Newborn Growth and Development Program	80,834		80,834
7. Division of Allied Health	770,640	190,433	961,073
8. School of Nursing	709,493	261,488	970,981
9. Nursing Scholarships	18,000	4,800	22,800
10. Research, Public Service and Extension	92,916	65,000	157,916
11. Paramedic Training Program	140,808	44,000	184,808

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12. Basic Medical Sciences	276,400	49,500	325,900
13. Birth Defect Genetic Center .	199,587		199,587
14. Auxiliary Enterprises		<u>6,600,566</u>	<u>6,600,566</u>

SOURCE OF FUNDS:

(1) ASETF	26,075,500		
(2) Other Funds		<u>63,528,949</u>	
Total University of South Alabama	<u>26,075,500</u>	<u>63,528,949</u>	<u>89,604,449</u>

XI. Board of Trustees of Troy State University

A. TROY STATE UNIVERSITY

1. Operations and Maintenance at Troy	7,889,057	5,651,900	13,540,957
2. Operations and Maintenance at Ft. Rucker/Dothan	1,071,949	1,200,946	2,272,895
3. Operations and Maintenance in Montgomery	274,859	1,522,000	1,796,859
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	61,568	274,831	336,399
6. School of Nursing-Montgomery	250,000	45,655	295,655
7. Branch Campus at Phenix City	93,452	405,000	498,452
8. Auxiliary Enterprises		<u>4,594,310</u>	<u>4,594,310</u>

SOURCE OF FUNDS:

(1) ASETF	9,676,885		
(2) Other Funds		<u>13,694,642</u>	
Total Troy State University	<u>9,676,885</u>	<u>13,694,642</u>	<u>23,371,527</u>

XII. Board of Trustees of Alabama Institute for Deaf and Blind

1. Children and Youth Programs	5,719,140	1,367,380	7,086,520
2. E. H. Gentry Technical Facility	1,673,960	2,169,650	3,843,610
3. Industries for the Blind	<u>506,900</u>	<u>10,080,184</u>	<u>10,587,084</u>

SOURCE OF FUNDS:

(1) ASETF	7,900,000		
(2) Other Funds		<u>13,617,214</u>	
Total Alabama Institute for Deaf and Blind	<u>7,900,000</u>	<u>13,617,214</u>	<u>21,517,214</u>

Section 6.

Governor's Education Program ..			2,000,000
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To the State Department of
Education-Board of Education
with Governor's approval. For
Basic Learning Skills Teams,
Standard Schools Program and
Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>	
Total Governor's Education Pro- gram	<u>2,000,000</u>	<u>2,000,000</u>

Section 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,454,288 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$583,926 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated thirty-three million five-hundred thousand dollars (\$33,500,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-(a) on page 17. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1983, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1983.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 11. This act shall become effective on October 1, 1982.

Which was lost.

Yeas 4; Nays 22.

Yeas: Messrs. Barron, Martin, Taylor and White.

—4

Nays:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	McDonald	Teague
deGraffenried	Harrison	Miller	Vacca
Denton	Higginbotham	Parsons	Weeks
Figures	Holmes	Pearson	

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MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 84. RELATIVE TO SETTING UP MEETING DAYS FROM FEBRUARY 4, 1982 THROUGH FEBRUARY 9, 1982.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 171. To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements; to permit said counties to erect a jail on any property owned by the county within the county unless provided otherwise by subsequent local law; and to provide that each county shall be required to maintain a jail.

Also:

H. J. R. 68. COMMENDING THE GARDENDALE HIGH SCHOOL ROCKETS, 1981 REGION 6, CLASS 4A, FOOTBALL CHAMPIONS.

Also:

H. J. R. 69. COMMENDING COACH HERBERT EDWIN BRUCE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 70. COMMENDING JEFF PARKS OF GARDENDALE HIGH SCHOOL FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

Also:

H. J. R. 84. Relative to Legislative Meeting Dates From February 4, 1982, to February 9, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 12:15 P.M., on motion of Mr. Goodwin, the Senate took a recess until 1:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 64. CREATING A JOINT LEGISLATIVE COMMITTEE TO COORDINATE ARRANGEMENTS FOR THE FORTHCOMING VISIT OF PRESIDENT REAGAN TO SPEAK BEFORE A JOINT SESSION.

WHEREAS, On March 15, this body will be honored by a visit from our President of the United States, Ronald Reagan; and

WHEREAS, Although we have frequently been blessed by visits from distinguished dignitaries, we have never received the highest-ranking official in the land; and

WHEREAS, Security will be tight, public request for seats are already overwhelming, and it is our wish that the President's visit proceed smoothly; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint legislative committee composed of three (3) members of the Senate, to be appointed by the President of the Senate, and three (3) members of the House, to be appointed by the Speaker of the House, be created to handle arrangements for the impending visit to the Capitol by President Reagan; any question of protocol, seating, security, and other matters concerning the President's visit will be referred to and handled by said Committee.

BE IT FURTHER RESOLVED That the Committee will automatically be dissolved following the President's visit.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Teague, and Denton.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 166. Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

Also:

S. J. R. 9. HONORING MRS. MARVA DELOISE NETTLES COLLINS, NATIONALLY PROMINENT EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

Also:

S. J. R. 21. MOURNING THE DEATH OF MR. THOMAS DAME-RON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND PHILANTHROPIST.

Also:

S. J. R. 27. COMMENDING CAPTAIN ED LIGHTSEY UPON HIS RETIREMENT AS A STATE CONSERVATION OFFICER.

Also:

S. J. R. 29. COMMENDING 1981 ALL-AMERICAN JOHN HAND OF SYLACAUGA HIGH SCHOOL.

Also:

S. J. R. 30. HONORING JUDGE BEN REEVES UPON HIS RETIREMENT AS PROBATE JUDGE, PIKE COUNTY, ALABAMA.

Also:

S. J. R. 33. COMMENDING THE 1981 GOLF TEAM AND COACH ANTHONY DRAGOIN OF AUBURN UNIVERSITY.

Also:

S. J. R. 48. CORDIALLY INVITING PRESIDENT RONALD REAGAN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE AND CALLING FOR SAID JOINT SESSION TO BE HELD ON MARCH 15, 1982.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 264. Relating to Conecuh County; to provide for an additional clerk hire allowance for the tax assessor and to provide for retroactive effect.

Also:

H. J. R. 32. URGING THE RETIREMENT SYSTEMS OF ALABAMA TO IMPLEMENT A PLAN OF TAX DEFERMENT OF MEMBERS' CONTRIBUTIONS.

Also:

H. J. R. 64. ENCOURAGING ALABAMIANS TO SUPPORT THE ECONOMIC DEVELOPMENT OF OUR STATE AND NATION THROUGH THEIR PURCHASE OF AMERICAN-MADE AUTOMOBILES.

Also:

H. J. R. 66. EXTENDING THE REPORTING DATE FOR THE CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 75. COMMENDING MR. MUREAL REED CRUMP, RECIPIENT OF THE UNITED STATES JAYCEES DISTINGUISHED SERVICE AWARD.

Also:

H. J. R. 88. COMMENDING MR. JIM KACKER FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 174

The Senate proceeded to further consideration of the Bill, S. B. 174. The question was on the Pearson substitute, as amended.

Mr. Vacca offered the following amendment to the substitute, as amended, for the Bill, S. B. 174, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 174

Page 11 Lines 6, 8 and 9, by striking out "816,000" and by inserting the figure: "501,840"

Which was adopted.

Mr. Pearson requested unanimous consent to withdraw his substitute, as amended; upon objection of several senators, his request was denied.

Mr. White moved that said substitute, as amended, be laid on the table, which motion was lost.

Yeas 8; Nays 24.

Yeas:

Messrs.:
Barron
deGraffenried

Harrison
Keener

Martin
Robertson

Taylor
White

—8

Nays:

Messrs.:
Bailey
Britnell
Denton
Figures
Glass
Goodwin

Gulledge
Hall
Higginbotham
Hilliard
Holmes
Kirkland

Lemaster
Little
McDonald
Miller
Mitchem
Parsons

Pearson
St. John
Smith
Teague
Vacca
Weeks

—24

And said substitute, as amended, was then adopted by the Senate.

Yeas 24; Nays 7.

Yeas:

Messrs.:
Bailey

Britnell
Denton

Figures
Glass

Goodwin
Gulledge

REGULAR SESSION
8th Day

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Hall	Kirkland	Miller	Smith
Higginbotham	Lemaster	Mitchem	Teague
Hilliard	Little	Parsons	Vacca
Holmes	McDonald	Pearson	White
Keener			

—24

Nays:

Messrs.: Barron	deGraffenried Harrison	Martin Robertson	St. John Taylor
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—7

And said Bill, S. B. 174, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 8.

Yeas:

Messrs.:	Goodwin	Kirkland	Pearson
Bailey	Gulledge	Lemaster	Robertson
Britnell	Hall	Little	Smith
Callahan	Higginbotham	McDonald	Teague
Denton	Hilliard	Miller	Vacca
Figures	Holmes	Mitchem	Weeks
Glass	Keener	Parsons	

—26

Nays:

Messrs.:	deGraffenried	Martin	Taylor
Barron	Harrison	St. John	White
Cook			

—8

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 174, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 85. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON FEBRUARY 11, 1982, AT 11:15 A.M.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. ENCOURAGING THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO BUILD DORMITORIES AND RENOVATE EXISTING BUILDINGS FOR DORMITORIES FOR THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, TO BE FINANCED THROUGH THE ISSUANCE OF BONDS BY THE CITY, AND TO BE AMORTIZED BY THE PAYMENT OF STUDENT RENTS.

WHEREAS, the location of the University of Alabama in Birmingham has been of great and positive benefit to our State's largest municipality, both through providing jobs for area citizens as well as broadening the City's tax base and, additionally, as a boost to the economy through increased spending; and

WHEREAS, UAB is at the present time in need of additional living quarters for students which would enable the university to increase enrollment with, in turn, a resultant affirmative effect on the city; and

WHEREAS, the funds necessary for a new dormitory would be available at a much lower rate should the City of Birmingham, rather than UAB, issue bonds to finance construction of new dormitories and to renovate existing buildings for dormitories, of course, would be of mutual benefit both to the city and to the University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage and request the Mayor and members of the City Council of the City of Birmingham to build dormitories and renovate existing buildings for dormitories for the University of Alabama in Birmingham, to be financed through the issuance of bonds by the city, and to be amortized by the payment of student rents.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Mayor of Birmingham and to the members of the City Council for their consideration and approval.

Which was read and referred to the Standing Committee on Rules.

Mr. Goodwin offered the following Senate Resolution, to-wit:

S. R. 66. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 68.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Goodwin, Parsons, Hilliard, Teague, Kirkland, Higginbotham, White, Little, Keener, Martin, Vacca and Miller:

S. 68. To amend Title 16, Section 27, sub-section 4, of the Code of Alabama, 1975 so as to lower the number of training session hours required for renewal of school bus driver licenses from six hours to four hours.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
deGraffenried	Harrison	Martin	Teague
Denton	Higginbotham	McDonald	Vacca
Glass	Holmes	Parsons	Weeks

—23

Nays:

—0

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 68. To amend Title 16, Section 27, sub-section 4, of the Code of Alabama, 1975 so as to lower the number of training session hours required for renewal of school bus driver licenses from six hours to four hours.

And said Bill, S. B. 68, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Martin	Teague
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Mitchem	Weeks
Glass	Kirkland	St. John	White
Goodwin			

—24

Nays: —0

RESOLUTION

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 67. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 169.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. deGraffenried, Barron and St. John:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Smith
Barron	Harrison	Little	Taylor
deGraffenried	Higginbotham	Martin	Teague
Denton	Holmes	McDonald	Vacca
Goodwin	Keener	Mitchem	Weeks
Gulledge	Kirkland	St. John	White

—23

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

was taken up.

Mr. St. John moved that further consideration of the Bill, S. B. 169, be postponed until the Ninth Legislative Day as Unfinished Business, which motion was lost.

Yeas 10; Nays 11.

Yeas:

Messrs.:	Hall	Robertson	Taylor	
Denton	Holmes	St. John	Teague	
Gulledge	Lemaster	Smith		—10

Nays:

Messrs.:	Goodwin	Kirkland	Mitchem	
Barron	Higginbotham	Little	Parsons	
deGraffenried	Keener	Martin	Vacca	—11

Mr. Robertson offered the following amendment to the Bill, S. B. 169, to-wit:

AMENDMENT TO S. B. 169

Amend Senate Bill No. 169 Page 1 Line 10, by striking out two after the word "Hire" and inserting "one". Further amend S. B. 169 Page 1 line 20 by striking the word "two" after the word hire and inserting "one" also on line 27 after the word hire striking the word "two" and inserting the word "one". Further amend S. B. 169 on page 2, Line 11 after the word "of" by striking \$42,800 and inserting "\$27,800" also on Page two Line 15 after the word "of" strike \$75,000 and insert \$45,000.

ADJOURNMENT

At 3:30 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 169, the Senate adjourned until Tuesday, February 9, 1982, at 2 o'clock P.M.

Yeas 15; Nays 7.

Yeas:

Messrs.:	Higginbotham	Parsons	Teague	
Callahan	Hilliard	Robertson	Vacca	
Goodwin	Lemaster	St. John	Weeks	
Hall	Miller	Taylor	White	—15

Nays:

Messrs.:	Holmes	Kirkland	Martin	
deGraffenried	Keener	Little	Mitchem	—7

NINTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverent Gilbert Barrow, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Kirkland	Proctor	

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On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Keener for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

Committee on Governmental Affairs.

By Mr. Parsons (with notice and proof):

S. 359. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 359, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried:

S. 360. To provide that the repeal, revision, amendment or alteration of a law shall not affect any prosecution under that law unless the law otherwise expressly provides; to provide that such prosecution shall be governed by the law under which the offense was committed; to provide that in cases when the penalty for the offense has been altered the defendant may elect to take the new penalty, provided such election is made before the case is submitted to the jury.

Committee on Judiciary.

By Mr. Robertson (with notice and proof):

S. 361. To regulate further the sale in Tuscaloosa County at retail of liquor and wine for off-premises consumption; and to provide that violation of this act shall be a Class C misdemeanor, punishable as prescribed by law.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 361, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. White (with notice and proof):

S. 362. To amend Section 3 of Act No. 784 of the 1977 Regular Session of the Legislature, which said Act No. 784 provided that when a vacancy occurs on the governing body of Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title 62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with the Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 362, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Parsons:

S. 363. To repeal Section 25-4-150 of the Code of Alabama 1975, which mandatorily appropriates funds for the payment of unemployment benefits costs for employees of the local school system.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 364. Relating to voter registration; to establish a statewide voter registration day in Alabama.

Committee on Governmental Affairs.

By Messrs. Cook and Callahan:

S. 365. To authorize the Alabama State Docks Department to provide a retirement plan for various employees of the Alabama State Docks Department including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b) (9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Committee on Finance and Taxation.

By Mr. Hall:

S. 367. To increase the size of the board of directors of any waterworks board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves four or more counties; and to provide further for the qualifications and elections of members of such board of directors.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 368. To prohibit misrepresentation of prices of services or commodities sold by weight, measure or count; to prohibit any misrepresentation intended to mislead or deceive; to provide for enforcement by the Commissioner of Agriculture and Industries to include all deceptive business

practices statutes found in Sections 13A-9-41, 13A-9-42, 13A-9-43 and 13A-9-45, Code of Alabama 1975; to authorize promulgation of rules and regulations; to authorize injunctive relief.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Lemaster and Mitchem:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing, disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

Committee on Judiciary.

By Mr. Bailey:

S. 370. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 371. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 372. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Banking and Insurance.

MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move the Bill, S. B. 55, on page 24 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 55, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 68. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 55.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, in inapplicable to the Bill:

By Mr. deGraffenried:

S. 55. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Harper (T), Buskey, Clark (W), Stewart, Parker, Zoghby, McMillan and Kennedy:

H. J. R. 115. COMMENDING MAURINE WOOD, MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 115, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution:

H. J. R. 31. DIRECTING ALL ELECTED COUNTY OFFICIALS IN JEFFERSON COUNTY TO TAKE CERTAIN ACTION TO FORTHWITH ALLEVIATE THE ECONOMIC PLIGHT OF THEIR COUNTY PUBLIC EMPLOYEES.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Representatives Payne, Howard and Gafford.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate non-acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Resolution, H. J. R. 31, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rains (with notice and proof):

H. 351. Relating to Marshall County; to repeal Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 351, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 351. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bennett:

H. J. R. 108. COMMENDING MR. HENRY E. CRUMPTON ON HIS RETIREMENT.

Also:

By Reps. Cooley, Roberts, Bowling, Patton and Letson:

H. J. R. 112. COMMENDING MR. JOE R. CRAWFORD OF MORGAN COUNTY, ALABAMA, "CATTLEMAN OF THE YEAR" FOR 1981.

Also:

By Reps. Penry, McMillan and Bedsole:

H. J. R. 114. COMMENDING CAROLINE S. CAVANAUGH AND THE BUREAU OF PUBLICITY AND INFORMATION FOR THEIR PUBLICATION "ALABAMA THE BEAUTIFUL."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 108, 112, and 114, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 73, on page 40 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 73, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 98, on page 21 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 98, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Taylor then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 188, on page 48 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 188, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Taylor then offered the following Senate Resolution, to-wit:

S. R. 69. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 98.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Taylor:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

Which was read and referred to the Standing Committee on Rules.

Mr. Taylor then offered the following Senate Resolution, to-wit:

S. R. 70. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 188.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Taylor:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

Which was read and referred to the Standing Committee on Rules.

Mr. Higginbotham offered the following Senate Resolution, to-wit:

S. R. 71. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 73.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Higginbotham:

S. 73. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 90. MEMORIALIZING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT.

WHEREAS, the state of Alabama has a duty to support and defend the Constitution of the United States against all enemies, foreign and domestic; and

WHEREAS, the Constitution vests in the Congress of the United States supreme power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures"; and

WHEREAS, the Congress passed the Federal Reserve Act in 1913 "... to furnish an elastic currency," and thereby abdicated its duty to the American people to fix a constant lawful value for United States money and thus insure prosperity for honest, law-abiding, productive citizens; and

WHEREAS, the national debt in 1913 was less than TWO BILLION DOLLARS for the entire Nation, while the national debt in 1981 approximates ONE TRILLION DOLLARS; and

WHEREAS, the people of Alabama are suffering the disastrous effects of bankruptcy, unemployment, and privation, when they are ready, willing and able to work for an honest living, but many find themselves unable to do so, for lack of available jobs or capital; and

WHEREAS, the direct effect of the dictatorial control of interest rates exercised by the Board of Governors of the Federal Reserve System has been steeply accelerating and inflationary interest charges, with the consequent and preditable destruction of business, agriculture and industry in Alabama and the Nation; and

WHEREAS, the Federal Reserve Act, Section 19, specifically precludes the State of Alabama from effectively legislating or enacting any lawful ceiling on the extortionate interest rates or usury demanded of our people by the Federal Reserve bankers, thereby immunizing the banks and bankers from any threat of civil or criminal penalty on account of their extortionate monetary demands; and

WHEREAS, the direct effect of the Federal Reserve Act, as amended, is to lay an interest charge upon every single dollar of paper currency which circulates in our State and Nation as a Federal Reserve Note, and it thereby lays an invisible burden on uncontrolled and uncontrollable debt and taxes upon the backs of our people; and

WHEREAS, the United States Government owns no stock in the Federal Reserve System, and the Federal Reserve is not a government agency, and is, in fact, an oppressive and extortionate, privately owned economic monopoly, entirely independent of any real governmental control, except by means of direct legislative action and intervention by the Congress, which established the Federal Reserve in the first place; and

WHEREAS, Section 30 of the Federal Reserve Act provides that "The right to amend, alter or repeal this Act is expressly reserved"; and

WHEREAS, the Honorable Henry Gonzales, United States Congressman from the State of Texas has introduced a Bill, H. R. 4358, in the United States Congress, expressly providing for the immediate repeal of the Federal Reserve Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby memorializes the Congress of the United States, and especially Alabama's Congressional Delegation, both Senate and House of Representatives, for the immediate passage of this important legislation, H. R. 4358, to the end that peace and prosperity, and the blessings of a Sovereign God may be the lot of our people.

RESOLVED FURTHER, That a copy of the resolution be sent to each member of the Alabama Congressional Delegation and to each presiding officer of the United States Congress.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 90, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 72. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 56.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Miller (With Amendment):

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 85. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON FEBRUARY 11, 1982, AT 11:15 A.M.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

LOCAL BILLS ON THIRD READING

The Bill:

H. 232. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

was read a third time at length and passed.

Yeas 25: Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
Denton	Lemaster	Robertson	White	
Figures	Little			—25

Nays:

—0

The Bill:

H. 233. Relating to Choctaw County; to provide for an additional expense allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Denton	Glass
Bailey	Cook	Figures	Goodwin

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Hall	Little	Pearson	Teague	
Hilliard	Martin	Robertson	Vacca	
Holmes	Miller	Smith	Weeks	
Kirkland	Mitchem	Taylor	White	
Lemaster	Parsons			—25

Nays: —0

The Bill:

H. 234. Relating to the Town of Pennington in Choctaw County; to provide further as to who may be appointed to the Pennington Water Works Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Kirkland	Pearson	Weeks	
Figures	Little	Robertson	White	
Glass	Martin			—25

Nays: —0

The Bill:

H. 372. Relating to Morgan County; amending further Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47) creating the Municipal Utilities Board of Decatur, so as to provide further for the auditing procedure of the Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey:	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Callahan	Hilliard	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 390. Relating to the levy of additional sales and use taxes for purposes of the general fund in Covington County; authorizing the county governing body to levy and collect, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Title 40, Chapter 23 of the Code of Alabama 1975; and providing for collection and enforcement of taxes by the state department of revenue.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Hilliard	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—25

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 57. COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 54. NAMING THE BRIDGE ON HIGHWAY 50, SPANNING THE TALLAPOOSA RIVER AT MARTIN DAM AND CONNECTING TALLAPOOSA AND ELMORE COUNTIES, THE "JACK B. VENABLE BRIDGE."

On motion of Mr. Harrison, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 10. ENLARGING THE SCOPE OF THE INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES AS CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND EXTENDED BY ACT NO. 79-752, H. J. R. 250 OF THE 1979 REGULAR SESSION, SO AS TO STUDY VARIOUS PROBLEM AREAS AND ISSUES OF THE RETIREMENT SYSTEMS OF ALABAMA.

On motion of Mr. Miller, said Resolution was re-committed to the Standing Committee on Rules.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 87. COMMENDING MR. BILL HAMILTON FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

Also:

H. J. R. 98. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

Also:

H. J. R. 102. COMMENDING MR. W. L. STEPHENS OF YORK, ALABAMA, UPON HIS RETIREMENT AS A STATE CATTLE INSPECTOR.

Also:

H. J. R. 103. COMMENDING MR. LARRY STEVENS, PROMINENT MONTGOMERY CIVIC LEADER AND DISTINGUISHED RADIO EXECUTIVE AND ANNOUNCER.

Also:

H. J. R. 104. COMMENDING THE HAMILTON HIGH SCHOOL NINTH GRADE JUNIOR TEAM ON ITS OUTSTANDING BASKETBALL RECORD.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 29. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT OF ALL STATE FUNDS CREATED BY ACT NO. 80-250, H. J. R. 187 OF THE 1980 REGULAR SESSION.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 73. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 4	65	Jury strike system, one for one
S. B. 246	46	Child labor Act, exempt actors
S. B. 262	38	State treasurer employees, open safe
S. B. 210	37	State warrants, destruction of
S. B. 14	28	AL recreation cap. dev. assist. fund

S. B. 264	41	Spotlights, use of at night on roads, penalty
S. B. 265	42	Hunting, deer, nighttime, penalty
S. B. 266	42	Hunting within 100 yards of hwys., penalty
S. B. 267	43	Hunting, nighttime, penalty
S. B. 269	43	Hunting, on land of another, daytime, pen.
S. B. 270	44	Hunting, on land of another, nighttime, pen.
S. B. 205	52	Schools, census taken every ten years

Mr. Little offered the following amendment to the Resolution, S. R. 73, to-wit:

AMENDMENT TO S. R. 73

Amend Senate Resolution 73 Page 1 by inserting between S. B. 246 and S. B. 262 the following:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 170	29	Peace Officer's Annuity and Benefit Fund.

Which was lost.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 106. To amend Section 27-4-2, Code of Alabama, 1975, to provide for an increase in certain fees, licenses and miscellaneous charges.

By Mr. Teague:

S. 193. To amend Section 10-2A-25, Code of Alabama 1975, as amended, so as to provide that the name of the corporation, if a bank, need not use the word "corporation," "incorporated," or an abbreviation thereof, but instead shall use the words "bank," "banking" or "bankers."

By Mr. Parsons:

S. 202. To provide for payment of examination fees by credit unions.

By Mr. Vacca:

S. 211. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

By Mr. Gulledge:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

By Mr. Barron:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

By Mr. Vacca:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and openend credit plans, so as to change the termination date provisions of said act.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 339. To amend Section 20-2-53, Code of Alabama, 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewal of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that the provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

By Mr. Proctor:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendment):

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 7, 11 and 32, Title 13, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulations of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Goodwin, White and Holmes:

S. 190. To provide for the participation by the State of Alabama in the Southeast Interstate Low-Level Radioactive Waste Compact; to provide for the designation of this state's members on the Southeast Interstate Low-Level Radioactive Waste Commission; to provide for the acquisition of property and the operation of a treatment, storage or disposal site; to require a faithful performance bond in the amount of \$2,000,000; to create a Radiation Safety Fund; to provide for the collection of fees; appropriates \$25,000 from the general fund to the Southeastern Low-Level Radioactive Waste Commission; and provides penalties for violations.

By Reps. Pegues, Cosby and Edwards:

H. 110. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds

appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit Corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Miller (With Amendment):

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

RESOLUTION

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 74. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 56.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Miller (With Amendment):

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Parsons
Barron	Gulledge	Kirkland	Proctor
Callahan	Hall	Little	Robertson
Cook	Harrison	Martin	St. John
deGraffenried	Higginbotham	McDonald	Taylor
Denton	Hilliard	Miller	White
			—23

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 56. To exempt incorporated municipalities of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 56, to-wit:

COMMITTEE AMENDMENT TO S. B. 56

Amend S. 56, page 1, line 7, by inserting the words "and incorporated municipal boards" after the word "municipalities" and before the word "from".

Further amend S. 56 on page 1, line 13, by inserting the words "and incorporated municipal boards" after the word "municipalities" and before the word "of".

Further amend S. 56 on page 1, line 18, by inserting the words "and incorporated municipal boards" after the word "municipalities" and before the word "of".

RESOLUTION

Messrs. Harrison and Robertson offered the following Senate Resolution, to-wit:

S. R. 75. BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That S. B. No. 143 of the 1982 Regular Session shall not be subject to the provisions of subsection (C) of Section 1 of Act No. 81-953, H. 38 of the First Special Session, 1981. Said S. B. No. 143 is entitled as follows:

To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, also to amend Sections 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1 to exclude children attending church schools from compulsory attendance and to exclude church schools from reporting.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 145, on page 27 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 145, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Little then offered the following Senate Resolution, to-wit:

S. R. 76. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 145.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Little:

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Little then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 170, on page 29 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 170, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Little then offered the following Senate Resolution, to-wit:

S. R. 77. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 170.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill.

By Mr. Little:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 56

The Senate proceeded to further consideration of the Bill, S. B. 56. The question was on the amendment reported by the Standing Committee on Judiciary.

MOTION IN WRITING

Mr. Bailey offered the Motion in Writing, to-wit:

I move that the Bill, S. B. 96, on page 51 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 96, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Bailey then offered the following Senate Resolution, to-wit:

S. R. 78. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 96.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Bailey:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filing of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in and grant tenure to certain professional personnel of the Department of Youth Services under the teacher tenure law; to provide for an employment procedure for new professional personnel and other staff personnel; to provide for a salary schedule for all educational personnel of the Department of Youth Services; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in *pari materia* with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 56

The Senate proceeded to further consideration of the Bill, S. B. 56. The question was on the amendment reported by the Standing Committee on Judiciary.

And said amendment was then adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.	Hall	Martin	Robertson
Bailey	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Parsons	Weeks
deGraffenried	Little	Proctor	White
Goodwin			

—20

Nays:

—0

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And said Bill, S. B. 56, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Britnell	Harrison	Martin	St. John
Callahan	Holmes	McDonald	Taylor
Cook	Kirkland	Miller	Teague
deGraffenried	Lemaster	Parsons	—18

Nays: Messrs.: Weeks and White. —2

Mr. Callahan moved that the Senate reconsider the vote by which the Bill, S. B. 56, was passed, which motion was adopted.

On motion of Mr. Callahan, the Senate reconsidered the vote by which the Bill, S. B. 56, was ordered to its third reading.

And said Bill, S. B. 56, as amended, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 2.

Yeas:

Messrs.:	deGraffenried	Martin	Pearson
Bailey	Hilliard	McDonald	Proctor
Britnell	Holmes	Miller	St. John
Callahan	Kirkland	Parsons	Taylor
Cook	Little		—17

Nays: Messrs.: Weeks and White. —2

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

and pending amendment, which said amendment is set out in the Journal of the Senate for the Eighth Legislative Day.

On motion of Mr. deGraffenried, said amendment was laid on the table.

And said Bill, S. B. 169, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John	
Bailey	Harrison	McDonald	Smith	
Barron	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Teague	
Goodwin	Kirkland	Parsons	White	
Gulledge	Little	Robertson		—22

Nays: —0

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 79. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 4.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Kirkland (With Substitute):

S. 4. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Goodwin	Kirkland	Parsons	Teague	
Gulledge	Little	Proctor	Vacca	
Hall	Martin	Robertson	White	
Harrison	McDonald	St. John		—22

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 4. To amend Section 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 4, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 4

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and impaneling of juries in criminal cases, so as to establish one-for-one strikes in criminal cases and to establish procedures for the selection and use of alternate jurors in criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-100, Code of Alabama 1975, is hereby amended as follows:

§ 12-16-100.

"(a) In every criminal case the jury shall be drawn, selected and impaneled as follows: Upon the trial by jury in the circuit courts of a persons any person charged with a felony, including a capital felony, a misdemeanor, or violation, or upon an appeal to the circuit court from any lower courts, the court shall require a strike list or lists to be compiled from the names appearing on the master strike list as established in Section 12-16-74. In compiling the list or lists, names of qualified jurors may be omitted on a non-selective basis. A strike list shall be furnished for the trial of any case at hand and a copy thereof given to all parties. The jurors whose names appear thereon shall be brought into open court, the case shall be called and in the presence of the district attorney, and the defendant and his attorney, the jurors shall be examined on voir dire for the trial of the case at hand. At After the conclusion of the voir dire examination and the removal from the strike list of the names of those jurors who were challenged or excused for good reason, the district attorney, shall be required first to strike from the strike list the name of one juror, and the defendant shall strike two one, and they shall continue to strike off names alternately until only 12 jurors remain on the strike list and these 12 jurors thus selected shall be the jury charged with the trial of the case, provided, however, that this act shall not affect the provisions of any law now in effect or hereafter enacted, including any act passed during the session at which this act is passed, which establishes one-for-one strikes in a criminal case, or which establishes the selection and use of alternate jurors. If any defendant shall refuse to exercise a strike to which he is entitled, then the judge presiding shall exercise that defendant's strike for him. The number of names appearing on the strike list upon commencement of striking, unless a lesser number is agreed to by the parties, shall not be less than 36 if the offense charged is a capital felony nor less than 24 if the offense charged is a felony not punished capitally nor less than 18 if the offense charged is a misdemeanor or violation. In the event the list of competent prospective jurors is reduced to fewer than the number required by this subsection, the court shall add prospective jurors in the manner prescribed in Section 12-16-76. No special venire shall be ordered, drawn, or summoned for the trial of any person indicated for a capital felony.

(b) The court may in its discretion qualify such alternate jurors as it deems necessary, except that in capital cases the court shall qualify at least two (2) alternate jurors, as required by law. Alternate jurors shall be drawn from the venire in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the

principal jurors, except that they shall not deliberate with the jury or vote upon the verdict unless designated to replace a principal juror. An alternate juror who does not replace a principal juror shall be discharged at the time the jury retires to consider its verdict.

(c) If the court determines that more than two (2) alternate jurors shall be selected in a capital case, or that one or more alternate jurors shall be selected in a non-capital case, upon commencement of striking, unless the parties consent to the use of a lesser number, the minimum number of names required on the strike list in subsection (a) shall be increased by two (2) for each alternate juror to be selected, provided that such increase in names shall not apply for the first two alternate jurors to be selected in a capital case. The parties shall then strike from the strike list as herein provided until there remain twelve (12) jurors. The last juror or jurors struck shall be the alternate or alternates, and if it becomes necessary for an alternate to replace a principal juror, the last juror struck shall be designated. The identity of alternate jurors shall be not divulged to the jurors until the jury retires for deliberation.

(d) Any county having existing laws on the effective date of this act establishing procedures for the selection and use of alternate jurors, may at the election of the presiding circuit judge, continue to follow the provisions of such law with respect to the selection of alternate jurors. Such election must be made in writing within thirty (30) days of the effective date of this act and filed with the Secretary of State, the Clerk of the Supreme Court, the Administrative Office of Courts and the local bar of the county affected thereby. At any time after said election, either the presiding circuit judge, or a majority of the circuit judges in the circuit wherein the county is located, may elect to come under the provisions of this act by filing written notice as required above."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Kirkland	Parsons	Vacca
Goodwin	Lemaster	Proctor	White
Gulledge	Little	Robertson	—26

Nay: Mr. Hilliard.

—1

And said Bill, S. B. 4, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Kirkland	Parsons	Teague
Goodwin	Lemaster	Proctor	Vacca
Gulledge	Martin	Robertson	White
Hall			

—24

Nays: Messrs.: Figures and Hilliard. —2

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 4, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Mr. Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 80. AFRICATOWN, U.S.A. FOLK FESTIVAL.

WHEREAS, AFRICATOWN, U.S.A. (Prichard and Mobile, Alabama) is the site of the last recorded landing of Africans in the United States, in 1859, for the purpose of slavery; and

WHEREAS, AFRICATOWN, U.S.A. is an area of exceptional significance in American history and culture; and

WHEREAS, The PROGRESSIVE League and the American Ethnic Science Society have completed research which documents the significance of AFRICATOWN to people throughout the world; the Nation; and the State of Alabama; and

WHEREAS, AFRICATOWN, U.S.A. is recognized as the symbolic homeplace of African-American people; and

WHEREAS, The City of Prichard recognizes the importance of this site to our economy, citizens and government;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that February 9-23, 1982, and each similar period thereafter shall be celebrated as the period for the AfricaTown Folk Festival as designated by appropriate ordinances and resolutions of the City of Prichard.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the Mayor of the City of Prichard and the Chairman of the AfricaTown Folk Festival, Inc.

Which was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 81. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 246.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Little and Figures:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Cook	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Figures	Lemaster	Robertson	White	
Goodwin	Little	St. John		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 29. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT OF ALL STATE FUNDS CREATED BY ACT NO. 80-250, H. J. R. 187 OF THE 1980 REGULAR SESSION.

Also:

H. J. R. 87. COMMENDING MR. BILL HAMILTON FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

Also:

H. J. R. 98. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

Also:

H. J. R. 102. COMMENDING MR. W. L. STEPHENS OF YORK, ALABAMA, UPON HIS RETIREMENT AS A STATE CATTLE INSPECTOR.

Also:

H. J. R. 103. COMMENDING MR. LARRY STEVENS, PROMINENT MONTGOMERY CIVIC LEADER AND DISTINGUISHED RADIO EXECUTIVE AND ANNOUNCER.

Also:

H. J. R. 104. COMMENDING THE HAMILTON HIGH SCHOOL NINTH GRADE JUNIOR TEAM ON ITS OUTSTANDING BASKETBALL RECORDS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 232. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Also:

H. 233. Relating to Choctaw County; to provide for an additional expense allowance for the county coroner.

Also:

H. 234. Relating to the Town of Pennington in Choctaw County; to provide further as to who may be appointed to the Pennington Water Works Board.

Also:

H. 372. Relating to Morgan County; amending further Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur, so as to provide further for the auditing procedure of the Board.

Also:

H. 390. Relating to the levy of additional sales and use taxes for purposes of the general fund in Covington County; authorizing the county governing body to levy and collect, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Title 40, Chapter 23 of the Code of Alabama 1975; and providing for collection and enforcement of taxes by the state department of revenue.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 246

The Senate proceeded to further consideration of the Bill, S. B. 246.

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 246, was postponed temporarily.

RESOLUTION

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 82. DECLARING THE PROVISIONS OF THE PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 262.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Gullledge:

S. 262. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer, so as to allow additional bonded employees to open the safe.

On motion of Mr. Gullledge, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:
Bailey

Barron
Cook

deGraffenried
Denton

Goodwin
Gullledge

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Hall	Lemaster	Miller	Taylor	
Harrison	Little	Parsons	Teague	
Holmes	Martin	Robertson	Vacca	
Kirkland	McDonald			—21
Nays:				—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 262. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer, so as to allow additional bonded employees to open the safe.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Barron	Gulledge	Little	Robertson	
Callahan	Hall	Martin	Smith	
Cook	Harrison	McDonald	Taylor	
deGraffenried	Holmes	Miller	Teague	
Denton	Kirkland	Mitchem	Weeks	—23

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 112. COMMENDING MR. JOE R. CRAWFORD OF MORGAN COUNTY, ALABAMA, "CATTLEMAN OF THE YEAR" FOR 1981.

On motion of Mr. Martin, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 80. AFRICATOWN, U.S.A. FOLK FESTIVAL.

On motion of Mr. Figures, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 108. COMMENDING MR. HENRY E. CRUMPTON ON HIS RETIREMENT.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 83. MOURNING THE DEATH OF DR. M. VAUN ADAMS, PROMINENT MOBILE PHYSICIAN AND CIVIC LEADER.

WHEREAS, the Alabama Legislature is deeply saddened by the death of Dr. M. Vaun Adams of Mobile, Alabama, on February 8, 1982, at the age of 78 years; and

WHEREAS, though a native of Talladega, Dr. Adams had been a resident of Mobile and in the private practice of pediatrics since 1931; and

WHEREAS, he was a graduate of Mobile's Barton Academy and of the University of Alabama, and received his M. B. degree from the University of Pennsylvania, followed by internships served at Oncologic Hospital in Philadelphia, Employee's Hospital, TCI, in Fairfield, Alabama, and at Children's Hospital in Cincinnati and Willard Parker Hospital in New York City as well; and

WHEREAS, in dedicated service to his profession, Dr. Adams was president of the Mobile County Medical Society in 1954 and the Medical Association of the State of Alabama in 1962-1963; he was a past president also of the Alabama Pediatric Society and the Alabama Chapter of the American Academy of Pediatrics, a fellow of the American College of Physicians and a licentiate of the American Board of Pediatrics in 1940; and

WHEREAS, he further served three terms as president of the Mobile Infirmary medical staff and was president of the medical staff of Mobile General Hospital; and

WHEREAS, Dr. Adams, who was appointed in 1962 to the Board of Directors of the Mobile County Foundation for Public Higher Education, served in such capacity until 1976, during which years he was instrumental in the founding of the University of South Alabama and in the establishment of that institution's School of Medicine; and

WHEREAS, his generous professional and civic involvement extended further to include membership on the Board of Trustees of the United Fund and participation in numerous other of his community's affairs; and

WHEREAS, thus, even as we grieve, we also give thanks for Dr. Adams' full and useful life, a life of devotion to his family and friends and of care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. M. Vaun Adams of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Florence Austin Adams, and to Mrs. Anita Adams Caver, daughter of Dr. Adams and the late Leonora Hope Adams, to whom copies of this resolution shall be sent in declaration of our shared sorrows in their great loss.

Which was read and referred to the Standing Committee on Rules.

POINT OF PERSONAL PRIVILEGE

Mr. Little stated that, had he been present in the Chamber when the Bill, S. B. 4, as amended, was passed, he would have voted "Aye".

COMMUNICATION FROM THE SUPREME COURT

THE STATE OF ALABAMA— — —JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

The Senate
State Capitol
Montgomery, Alabama

Dear Ladies and Gentlemen:

We are in receipt of Resolution No. 6 by Senator Little, adopted January 14, 1982, which is, in part, as follows:

S. R. 6 REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 75.

"BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. B. 75, a copy of which is attached to this resolution and made a part hereof by reference:

"1. Does Section 1 of S. B. 75 conflict with Article I, §6 of the Constitution of Alabama of 1901?

"2. Does Section 1 of S. B. 75 conflict with Article IV, §105 of the Constitution of Alabama of 1901?

"3. Should S. B. 75 be advertised in accordance with Article IV, § 106 of the Constitution of Alabama of 1901?

"RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 75, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

"SYNOPSIS: This bill relates to the 37th Judicial Circuit and changes the present jury strike system in criminal cases to a one strike system in trials by jury for violations, misdemeanors or felonies, or upon appeals to the circuit courts from lower courts.

A BILL
TO BE ENTITLED
AN ACT

"Relating to the Thirty-seventh Judicial Circuit, to change the present jury strike system in criminal cases to a one strike system in trials by jury for violations, misdemeanors or felonies, or upon appeals to the circuit courts from lower courts.

Be It Enacted by the Legislature of Alabama:

"Section 1. Upon the trial by jury of criminal cases in the circuit courts of the Thirty-seventh Judicial Circuit, the jury shall be drawn, selected and empaneled as follows: Upon the trial by jury in the circuit courts of a person charged with a felony, including a capital felony, a misdemeanor, or violation, or upon an appeal to the circuit court from any lower courts, the court shall require a strike list or lists to be compiled from the names appearing on the master strike list. In compiling the list or lists, names of qualified jurors may be omitted on a non-selective basis. A strike list shall be furnished for the trial of any case at hand and a copy thereof given to all parties. The jurors whose names appear thereon shall be brought into open court, the case called and in the presence of the district attorney, the defendant and his attorney, shall be examined on voir dire for the trial of the case at hand. At the conclusion of the voir dire examination and the removal from the strike list of the names of those jurors who were challenged or excused for good reason, the district attorney shall be required first to strike from the strike list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only 12 jurors remain on the strike list and these 12 jurors thus selected shall be the jury charged with the trial of the case.

If any defendant shall refuse to exercise a strike to which he is entitled, then the judge presiding shall exercise that defendant's strike for him. The number of names appearing on the strike list upon commencement of striking, unless a lesser number is agreed to by the parties, shall not be less than 36 if the offense charged is a capital felony or less than 24 if the offense charged is a felony not punished capitally nor less than 18 if the offense charged is a misdemeanor or violation. No special venire shall be ordered, drawn, or summoned for the trial of any person indicted for a capital felony.

"Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

You ask us to give our opinion on three specific questions, but the answer to each of these questions depends upon whether S. B. 75 is a "general" or "local" law. Which is it? It is a "local" law. Amendment No. 375, which amended Section 110 of the Alabama Constitution of 1901, states that "[a] local law is a law which is not a general law or a special or private law." A "general law" is defined in Amendment No. 375 as "[a] general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class."

S. B. 75, by its terms, does not apply to the whole state; therefore, it is a "local" law. *Peddycoart v. City of Birmingham*, 354 So. 2d 808 (Ala, 1978).

We are aware that legislation similar to S. B. 75 was upheld in a litigated case styled *Dixon v. State*, 27 Ala. App. 64, 167 So. 340 (1936); cert. den. 232 Ala. 150, 167 So. 349 (1936), involving a statute which provided for a different mode of selecting and impanelling juries in all criminal and quasi criminal cases in circuit courts in counties which had a population of 300,000 or more, which, at the time the act was adopted, applied only to circuit courts in Jefferson County. *Dixon*, however, was decided prior to *Peddycoart*, and we call specific attention to the holding of *Peddycoart* regarding legislation adopted after the date of the *Peddycoart* decision (January 13, 1978). There, this Court opined:

"We are mindful of prior decisions which have approved enactments based upon population classifications when the classifications were found to be 'substantial,' were not 'arbitrarily' fixed, and were based upon a 'reasonable necessity' for the several classifications. E.g., *Dearborn v. Johnson*, 234 Ala. 84, 173 So. 864 (1937). No citation of authority is necessary to demonstrate the elusive nature of such a judicial test, or to point out that a number of these cases might have been decided either way. The specificity of the constitutional framers manifested by § 104, 105 and 110 discloses their intent, and negates tolerance with any such tests which give to both courts and legislature such wide discretion. Henceforth, when at its enactment legislation is local in its application it will be a local act and subject to all of the constitutional qualifications applicable to it. With regard to legislation heretofore enacted, the validity of such is challenged, this Court will apply the rules which it has heretofore applied in similar cases."

Amendment No. 389, Constitution of 1901, makes provisions for determining the validity of certain population based acts enacted before January 13, 1978.

Having determined that S. B. 75 is a "local law," we answer each of your specific inquiries.

1. Does Section 1 of S. B. 75 conflict with Article I, §6 of the Constitution of Alabama of 1901:

We assume that, by asking whether S. B. 75 would violate Article I, Section 6 of Alabama's constitution, you question whether the one-for-one strike provisions in S. B. 75 is valid in view of the fact that the general law provides defendants a two-for-one strike advantage. That question is discussed and answered in *Dixon v. State*, supra, wherein this Court held:

"The defendant contends that the act in question is void as denying him the equal protection of the laws, and argues that the decision of the Alabama Supreme Court in the case of *In re Dorsey*, supports his contention. The answer to this contention is that the constitutional guaranty of equal protection of the law does not forbid reasonable classification based on real and substantial distinctions. *Birmingham-Tuscaloosa Ry. & Utilities Co. v. Carpenter*, 194 Ala. 141, 69 So. 626. The United States Supreme Court in the case of *Gardner v. Michigan*, 199 U.S. 325, 26 S. Ct. 106, 50 L.Ed. 212, held that it was no denial of equal protection of the law that different jury laws obtained in different political subdivisions of a state. To the same effect is the case of *Chappell Chemical, etc. Co. v. Sulphur Mines Co.*, 172 U.S. 472, 19 S.Ct. 268, 43 L.Ed. 520. In 12 C.J. at page 1150, appears the following accurate statement of the law; "Counties and municipal corporations may be divided into classes based on population, and laws may be enacted to apply only to those of a certain class."

"At page 1185 of the same work appears the following statement; "statutes relating to the selection of the jury and to the respective provinces of the court and jury which have been sustained as not denying the equal protection of the law include *** statutes prescribing trial otherwise than by jury *** in a certain city."

"The court, therefore, holds that the act now under attack does not deny the equal protection of the law to the defendant."

We call the legislature's attention to the fact that the act upheld in *Dixon v. State*, was obviously based upon a finding by the trial court that the "classification" in that case was made in good faith and was reasonable. We

call the attention of the legislature to the fact the act upheld in *Dixon* was then classified as a general bill with local application. We do not suggest that providing a different procedure for striking juries in Lee County, if done by a general law, would be an unreasonable classification, but that the legislature should have some justification for any such classification, as was found to be the case in *Dixon v. State*.

While we are of the opinion that there is no constitutional requirement that provisions for the selection and impanelling of juries should be uniform, we, nevertheless, are of the opinion that, in view of the fact that the people, by adoption of the Judicial Article (Amendment 328), has established a unified judicial system, rules governing the practice and procedure to be followed in the unified judicial system likewise should be reasonably uniform. In this connection, we call your specific attention to the fact that the Supreme Court of Alabama, pursuant to the authority granted it by §6.11 of Amendment No. 328, is considering proposed rules of criminal procedure which would make the one-for-one strike provision applicable statewide. We also judicially know that legislation-making provisions for one-for-one strikes in criminal cases in all circuits has been introduced during the current legislative session.

In view of the fact that S. B. 75 is a local law, we opine that the answer to question No. 1 is in the affirmative.

2. Does Section 1 of S. B. 75 conflict with Article IV, §105, of the Constitution of Alabama of 1901?

We assume you desire to know whether S. B. 75, which makes a change in the general laws regarding the striking of juries in criminal cases violates §105. In *State, ex rel. Brandon, et al. v. Prince, et al.*, 199 Ala. 444, 74 So. 939 (1917), this Court considered the validity of a local law which worked a change in law applicable to Tuscaloosa County for selecting and drawing jurors and juries. There, this Court discussed the constitutional validity of the local Act, as follows:

"If we should hold that, merely because there is a general law providing for the selecting and drawing of juries for the several counties, none of its provisions can be changed by a local law, it would be tantamount to holding that a local law cannot be passed upon that subject. We do not think that this is the meaning of section 105 of the Constitution, nor that such was the intent of the Constitution framers in ordaining it.

"It is a part of the judicial history of this state before and since the adoption of the Constitution of 1901 that the methods and agencies for the selecting and drawing of jurors, etc., have been provided for by both local and general statutes. As before stated, there being no constitutional provision requiring the laws on this subject to be uniform in all the counties or all the courts, the Legislature may provide different laws for different counties; and it is difficult to conceive how a more radical difference could be given effect than to provide by one law that the juries shall be selected and drawn by a jury commission to be appointed by the Governor, and by another that such duty and function shall be performed by a board of revenue or court of county commissioners the members of which are elected by the voters of a particular county.

"The mere fact that the things to be done by each board, or all the members thereof, are the same, does not make the laws which authorize the doing of the same things by different boards or different officers the same laws; they are different laws though they relate to the same subjects or

subject-matters. This is well illustrated by many local laws, relating to boards of revenue or courts of county commissioners, repeatedly upheld by this court notwithstanding there are general laws—an entire chapter of the Code—relating to this subject. See report of case of *Dunn v. Dean*, 196 Ala. 486, 71 So. 709, where many cases of this kind are cited and reviewed to the effect that such laws are not void under section 105 of the Constitution. Again, the mere fact that there are general laws relating to circuit and chancery courts does not prevent the Legislature from providing, by local laws, for other courts to do the same work and discharge the same functions and powers as by such general provisions authorized. The general laws and the local laws in this respect are different, and not the same." (Emphasis added.)

Brandon was decided in 1917 and its holding should be considered in light of the fact that the Judicial Article (Amendment 328), had not then been adopted. The spirit of the Judicial Article is that a unified judicial system is established in which the procedures should be uniform.

In view of the above, we are of the opinion that the procedure for the selection of juries in criminal cases is provided for by a general law, and that S. B. 75 is a local law; therefore, S. B. 75 is violative of Section 105 of the Constitution.

3. Should S. B. 75 be advertised in accordance with Article IV, § 106 of the Constitution of Alabama of 1901?

The answer to this question is in the affirmative, because S. B. 75 is a "local Law."

Respectfully submitted,
C. C. TORBERT, JR.,
Chief Justice.
HUGH MADDOX,
JAMES FAULKNER,
RICHARD L. JONES,
RENEAU ALMON,
JANIE L. SHORES,
T. ERIC EMBRY,
SAM A. BEATTY,
OSCAR W. ADAMS, JR.

OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 4
S. J. R. 5
S. J. R. 7
S. J. R. 10
S. J. R. 11
S. J. R. 15
S. J. R. 16
S. J. R. 17
S. J. R. 22
S. J. R. 23

Delivered to the Governor February 2, 1982 at 3:10 P.M.

S. 166

S. J. R. 9
S. J. R. 21
S. J. R. 27
S. J. R. 29
S. J. R. 30
S. J. R. 33
S. J. R. 48

Delivered to the Governor February 9, 1982, at 2:25 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. Goodwin, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 11, 1982, at 10:30 A.M.

TENTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 11, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank L. Scott, Pastor, Normandale United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Glass	Lemaster		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Figures and Kirkland for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 108. COMMENDING MR. HENRY E. CRUMPTON ON HIS RETIREMENT.

Also:

H. J. R. 112. COMMENDING MR. JOE R. CRAWFORD OF MORGAN COUNTY, ALABAMA, "CATTLEMAN OF THE YEAR" FOR 1981.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. White and Goodwin:

S. 373. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, and to specifically repeal Section 22-30-21 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water and to bring certain exempted transporters under the act by the repeal of Section 22-30-21, Code of Alabama 1975; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

Committee on Health and Welfare.

By Mr. Little:

S. 374. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and

public broadcasting and television in Alabama; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 375. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform Arbitration Act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the Courts of Arbitration Awards, and to repeal Alabama Code of 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

Committee on Judiciary.

By Mr. Miller:

S. 376. To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Committee on Judiciary.

By Mr. Pearson:

S. 378. To amend Section 41-16-50, Code of Alabama 1975, relating to contracts for which competitive bidding is required and the manner therefor, so as to provide further therefor, and to provide for contracts where payment or income is guaranteed.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 379. To amend Section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

Committee on Finance and Taxation.

By Mr. Taylor:

S. 380. To amend Section 35-11-210 of the Code of Alabama 1975, which provides for certain liens for work performed so as to provide further for such liens.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 117. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 11, 1982, we adjourn to meet again on Tuesday, February 16, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 245, on page 43 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 245, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Little then offered the following Senate Resolution, to-wit:

S. R. 84. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 245.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Little and Higginbotham (With Substitute) (With Amendment):

S. 245. To prohibit any municipality from annexing by condemnation of other process any waterworks system or any part thereof operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the unanimous agreement of the members of said corporation or association.

Which was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

By Messrs. Lemaster and McDonald:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem and St. John:

S. 280. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

By Messrs. Mitchem and St. John:

S. 281. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

By Messrs. Mitchem and St. John:

S. 282. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (With Amendment):

S. 320. To provide for the registration of certain persons skilled in the

repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$10.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 7. To provide that all state-owned lands that are now, or have been, leased or subject to lease by private parties for hunting purposes shall be open for public hunting when present leases expire.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hall, Teague, and Holmes:

S. 173. To provide that only those qualified electors residing in the jurisdiction of a county school system may vote for members of the county board of education or superintendent of education.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Substitute):

S. 198. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham and Little (With Amendments):

S. 303. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; defining certain terms; establishing qualifications for Commission members; establishing requirements for a quorum of the Commission at meetings; providing for appointment of an executive officer, and granting authority to the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; further providing for the Commission's powers and duties; and to provide for notice of an election on the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hall (with notice and proof):

S. 329. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

By Rep. Lewis (with notice and proof):

H. 11. Relating to Jefferson County; fixing the salary of the deputy probate judge.

By Rep. Waggoner (with notice and proof):

H. 31. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

By Rep. Payne (with notice and proof):

H. 97. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof) (With Amendment):

S. 272. Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain semiretired or retired district judges in the 10th Judicial Circuit.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 279. Relating to Jefferson County in regard to establishing the salary of the Deputy Probate Judge.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 291. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

By Mr. Mitchem:

S. 292. To amend the definitions contained in §13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Messrs. Keener and deGraffenried:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

By Messrs. Keener and deGraffenried:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 24. To require that persons who transport children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 146. To provide for the joinder of offenses, both misdemeanors and felonies in an indictment, information or complaint; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, except those charged with a capital felony offense may be charged in the same indictment, information or complaint; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements when two or more defendants are tried jointly; and, to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 21. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

By Mr. Teague:

S. 297. To prohibit the possession or sale of brass or steel teflon-coated handgun ammunition.

By Mr. Barron:

S. 224. To amend Sections 6-5-480 through 6-5-487, Code of Alabama 1975, which provides for the Alabama Medical Liability Act, so as to include licensed attorneys within the purview of the Act.

By Mr. Cook:

S. 189. Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

By Mr. Denton:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

By Mr. deGraffenried:

S. 238. To Amend Sections 2, 7, 8, 23, 48, 62, 73, 93, 104, 106, 114, 121,

134, 139, 162, 163, 169, 186 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act".

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, Mitchem and Proctor (With Substitute) (With Amendment):

S. 84. To provide a cost-of-living increase in addition to benefits now received to all persons retired under the Teachers' Retirement System of Alabama prior to October 1, 1981; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide for the funding of the increase granted herein and provide for the repeal of conflicting laws.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Barron:

S. 80. To make a supplemental appropriation to the Alabama State Board of Public Accountancy from the State Board of Public Accountancy Fund for the fiscal year ending September 30, 1982.

By Mr. Pearson:

S. 227. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Mr. Pearson:

S. 228. To make appropriations for the support and maintenance of the Talladega College.

By Mr. Pearson:

S. 229. To make appropriations for the support and maintenance of the Marion Military Institute.

By Mr. Pearson:

S. 230. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

By Mr. Pearson:

S. 231. To make appropriations for the support and maintenance of the Walker County Junior College.

By Messrs. Miller and McDonald:

S. 200. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1983, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Messrs. Teague and Goodwin:

S. 249. To re-open the State of Alabama Retirement Systems for certain membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

By Mr. Goodwin:

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

By Mr. Denton:

S. 39. To provide for an additional judgeship for the Eleventh Judicial Circuit of Alabama; to provide for the election of the first judge to fill this judgeship at the next general election for state officers; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Eleventh Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Eleventh Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Eleventh Judicial Circuit.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Amendment):

S. 5. To reopen the employees' retirement system to allow certain members to purchase credit for prior service rendered to an employer participating in the employees' retirement system under section 36-27-6, Code of Alabama 1975, prior to the date the employer's participation in the retirement system commenced.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Little and Higginbotham:

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

By Messrs. Barron, Higginbotham, Harrison, White, Holmes, Parsons and Taylor:

S. 302. To propose a constitutional amendment amending subsection 6.09(d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to

provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Gulledge:

S. 50. To amend Section 40-18-19, Code of Alabama 1975, as amended, so as to add as an additional exemption from personal income tax interest on a savings certificate issued after September 30, 1981, and before January 1, 1983, by a depository institution having its principal place of business in Alabama; to provide a maximum amount of such exemption; to require that to be eligible for exemption the interest likewise be exempt from federal income tax; to exempt from personal income tax interest or earnings on an individual retirement account, as defined by federal income tax laws.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Dixon (with notice and proof):

H. 15. Relating to Montgomery County; authorizing the county commission to make annual grants towards the support of any museum of fine arts located within the county and repealing Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473).

By Reps. Brakefield and Bowling (with notice and proof):

H. 53. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

By Reps. Brakefield and Bowling:

H. 54. To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the abolition of the offices of tax assessor and tax collector of such county.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Bowling:

H. 237. To repeal Act No. 81-1084, H. 68 of the 1981 Third Special Session, which proposes a constitutional amendment providing the county governing body of Winston County may provide for forest fire protection by levying a tax on lands on other than an ad valorem basis; and to specifically provide for legislative intent.

By Rep. Rains (with notice and proof):

H. 351. Relating to Marshall County; to repeal Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages.

By Rep. Johnson (R. G.) (with notice and proof):

H. 363. Relating to Coosa County; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and public driveways under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the public roads, bridges and ferries of Coosa County; and providing that the provisions of this act shall not become effective until approved at a referendum election held for such purpose.

By Rep. Johnson (R. G.) (with notice and proof):

H. 364. Relating to Coosa County; to provide that the associate county commissioners shall work on a part-time basis, to be effective only upon the passage and approval of an act passed by the legislature in the 1982 Regular Session and approved by a majority of the electors of Coosa County which places the county on a unit system of road maintenance and provides for a county engineer.

By Rep. Harvey (with notice and proof):

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 110. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Callahan:

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Substitute) (With Amendment):

S. 109. To establish and fix the salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment irrespective of the Alabama Ethics Act or any State nepotism laws; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (By Request) (With Substitute):

S. 293. To provide a fourteen percent increase for certain personnel in public education for the fiscal year ending September 30, 1983.

By Messrs. Barron, Robertson, Harrison, Proctor and Parson (with substitute):

S. 108. To provide salary increases for certain state employees and to appropriate funds therefor.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Teague:

S. 11. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

By Mr. Teague:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act 81-7, H. J. R. 17, the report of the Legislative Joint Interim Educational Institutions Study Committee was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Naramore and Brakefield:

H. J. R. 120. COMMENDING MRS. RUTH ROMINE TEAFORD OF WALKER COUNTY'S CURRY HIGH SCHOOL, ALABAMA'S TEACHER OF THE YEAR.

Also:

By Rep. Minus:

H. J. R. 121. COMMENDING MS. RUTH ANN ATWELL OF BUTLER, ALABAMA ON HER CAREER AS A LEGAL SECRETARY.

JOHN W. PEMBERTON,
CLERK.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 120 and 121, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RECESS

At 10:50 A.M., on motion of Mr. St. John, the Senate took a recess until 1:30 P.M., for the purpose of the Joint Session to hear the message of the Columbia astronauts, Joe Engle and Richard Truly.

JOINT SESSION

At 11:15 A.M., in accordance with H. J. R. 85, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of Joe Engle and Richard Truly.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Joe Engle and Richard Truly were escorted to the chair and delivered their message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, and the recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 85. CONGRATULATING MISS LINDA ZOGHBY OF MOBILE, ALABAMA ON HER DEBUT PERFORMANCE WITH THE NEW YORK METROPOLITAN OPERA.

WHEREAS, the Alabama Legislature, in consensus of commendation, extends warm congratulations to Miss Linda Zoghby of Mobile, Alabama, on her January 19, 1982, debut with the New York Metropolitan Opera; and

WHEREAS, as first cover artist for the Met's lead soprano, Theresa Stratas, Miss Zoghby, with just an hour's notice, was informed that she would appear for Miss Stratas who was ill; and

WHEREAS, Miss Zoghby's performance as Mimi in Puccini's "La Boheme" was enthusiastically received by the audience and highly acclaimed by the critics in attendance for the performance; and

WHEREAS, complimentary observations also were made by the conductor and by a voice coach and pianist as well as others with the company who professionally assessed with praise Miss Zoghby's debut performance opposite tenor Joe Carreras as Puccini's Rudolfo; and

WHEREAS, Miss Zoghby, who is a native of Mobile, is the daughter of Mr. and Mrs. Emile Zoghby and is married to Mr. Darryl Noll with whom she resides in Mobile with their infant daughter, Ashley; and

WHEREAS, Miss Zoghby, a graduate of Florida State University, also is a graduate of the Convent of Mercy and studied under the late Madame Rose Palmi-Tenser in Mobile; her theatrical training was under the Reverend Anthony Zoghby at the Mobile Theatre Guild; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the extraordinarily talented Miss Linda Zoghby of Mobile, Alabama; we congratulate her on her highly successful Metropolitan Debut and direct that she receive a copy of this resolution in token of our deep admiration and of our declaration of pride in her as a native daughter of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 125. EXPRESSING SUPPORT OF THE PRESIDENT'S POSITION REGARDING U.S. MILITARY AID TO EL SALVADOR.

Whereas, the current political turmoil in El Salvador and other central American nations poses a dire threat to all Latin America, and thus to the United States, as leftist forces threaten such countries targeted for communist infiltration by Fidel Castro, and such others who serve as pawns for the Kremlin; and

WHEREAS, President Reagan has proposed that substantial additional military aid be sent to El Salvador in support of President Jose Napoleon Duarte's government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That in approval of President Reagan's efforts to halt the inroads to communism in central America, we hereby voice our support of his proposed increase in U.S. Military aid to El Salvador.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 125, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 64. CREATING A JOINT LEGISLATIVE COMMITTEE TO COORDINATE ARRANGEMENTS FOR THE FORTHCOMING VISIT OF PRESIDENT REAGAN TO SPEAK BEFORE A JOINT SESSION.

Also:

S. J. R. 50. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75TH ANNIVERSARY OF SERVICE.

Also:

S. J. R. 55. CONGRATULATING MR. AND MRS. ROBERT B. GEDDIE, JR., ON THE BIRTH OF A DAUGHTER.

Also:

S. J. R. 80. AFRICATOWN, U.S.A. FOLK FESTIVAL.

Also:

S. J. R. 54. NAMING THE BRIDGE ON HIGHWAY 50, SPANNING THE TALLAPOOSA RIVER AT MARTIN DAM AND CONNECTING TALLAPOOSA AND ELMORE COUNTIES, THE "JACK B. VENABLE BRIDGE."

Also:

S. J. R. 57. COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS.

JOHN W. PEMBERTON,
CLERK.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 172. Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; and to repeal certain conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Brakefield and Naramore (with notice and proof):

H. 55. Relating to Walker County; to provide that certain telephone calls that originate and terminate in Walker County shall be charged as local calls; granting the Public Service Commission the power to promulgate rules and regulations to implement the provisions of this Act; and providing exemptions from the provisions of this Act for certain Walker County residents.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 55, as required in the general acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 55. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 117. Relative to Legislative Meeting Date February 16, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. B. 172. Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; and to repeal certain conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 44. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 11.

On motion of Mr. Goodwin, said Resolution was then adopted by the Senate.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Smith
Cook	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Parsons	Vacca
Denton	Holmes	Pearson	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge	Little		

—21

Nay: Mr. Robertson.

—1

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 86. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the tenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 5	115	Bd. of examiners of landscape arch., cont.
S. B. 114	13	Podiatry, Bd.
S. B. 116	6	Professional Engineers, Bd.
S. B. 117	6	Forestry, Bd.
S. B. 118	14	Optometry, Bd.
S. B. 119	7	Firefighters
S. B. 120	7	Peace Officers
S. B. 121	14	Dental Examiners, Bd.
S. B. 122	15	Pharmacy, Bd.

S. B. 123	8	Social Workers, Bd.
S. B. 125	8	Public Accountancy, St. Bd. cont.
S. B. 126	9	Athletic Commission
S. B. 127	15	Nursing Home Administration, Bd.
S. B. 128	16	Hearing Aid Dealers, Bd.
S. B. 129	9	General Contractors, Lic. Bd. cont.
S. B. 131	• 10	Architects, Bd.
S. B. 132	11	Plumbers
S. B. 134	11	Dairy Commission
S. B. 136	12	Public Library Service
S. B. 48	22	Capitol police placed under legislature

On motion of Mr. Goodwin, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 11. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

was taken up.

MOTION IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 205, on page 46 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 205, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Higginbotham then offered the following Senate Resolution, to-wit:

S. R. 87. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 205.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Higginbotham:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 11

The Senate proceeded to further consideration of the Bill, S. B. 11.

And said Bill, S. B. 11, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Cook	Lemaster	Parsons	Teague
deGraffenried	Little	Pearson	Vacca
Goodwin	Martin	Proctor	Weeks
Hall	McDonald	Robertson	White
Higginbotham			

—24

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

was again taken up.

Mr. deGraffenried offered the following amendment to the Bill, S. B. 246, to-wit:

AMENDMENT TO S. B. 246

Amend Senate Bill No. 246 Page 2 Line 22, by inserting after the word "conditions" the following: And with the written consent of the Alabama Film Commission, the Department of Industrial Relations and the parent, legal guardian or responsible adult of the child so subject to these provisions:

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Teague
Denton	Lemaster	Pearson	Vacca
Glass	Little	Proctor	Weeks
Goodwin	Martin	Robertson	White
Hall			

—24

Nays:

—0

And said Bill, S. B. 246, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Glass	Holmes	Robertson
Bailey	Goodwin	Lemaster	Smith
Cook	Hall	Little	Taylor
deGraffenried	Harrison	Martin	Teague
Denton	Hilliard	Miller	Vacca

—19

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 45. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 28.

On motion of Mr. Teague, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith
Bailey	Hall	Miller	Taylor
Cook	Harrison	Parsons	Teague
deGraffenried	Higginbotham	Pearson	Vacca
Denton	Holmes	Proctor	Weeks
Glass	Lemaster		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 3.

Yeas:

Messrs.:	Goodwin	Martin	Teague
Bailey	Harrison	Parsons	Vacca
deGraffenried	Higginbotham	Smith	Weeks
Denton	Lemaster	Taylor	

—14

Nays: Messrs.: Holmes, Little and Robertson.

—3

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Robert J. Lager to the Board of Trustees for Alabama Institute for the Deaf and Blind.

On motion of Mr. Teague, consideration of the appointment of Dr. Lager was postponed temporarily.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following appointment by the Legislative Committee on Public Accounts and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Ronald Lee Jones as Chief Examiner of Public Accounts.

On motion of Mr. Vacca, the appointment of Mr. Jones was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Cook	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Lemaster	Proctor	White
Goodwin	Little		

—25

Nays:

—0

RESOLUTION

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 88. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 48.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Cook:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Taylor	
Bailey	Harrison	Miller	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Lemaster	Robertson	White	
Denton	Little	Smith		—22

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

Mr. Cook requested and received unanimous consent to bring up the Bill:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

Mr. Cook then offered the following amendment to the Bill, S. B. 48, to-wit:

AMENDMENT TO S. B. 48

Amend Senate Bill No. 48 Page 5 Line 11, by striking out after the word "of" "the members of the legislative Parking Committee; created by Act 79-5, S. J. R. 1 1979 organizational session". and insert in lieu thereof the words "eight members"

Further amend S. B. 48 Page 5 Line 13 by striking the word "also" and rewrite line 14 to read as follows "composed of 4 senators and 4 members"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Hilliard	Miller	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little	Smith		—22

Nays: —0

And said Bill, S. B. 48, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
10th Day

407

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Hall	Little	Smith
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Parsons	Weeks
Denton	Holmes	Proctor	White

—19

Nays:

—0

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 86, on page 44, of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 86, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Parsons then offered the following Senate Resolution, to-wit:

S. R. 89. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 86.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 3:15 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 16, 1982, at 2 o'clock P.M.

Yeas 15; Nays 8.

Yeas:

Messrs.:	Lemaster	Parsons	Teague
Hall	Little	Pearson	Vacca
Higginbotham	McDonald	Robertson	Weeks
Hilliard	Miller	Smith	White

—15

Nays:

Messrs.:	deGraffenried	Goodwin	Proctor
Bailey	Denton	Holmes	Taylor
Barron			

—8

ELEVENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 16, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles H. Douglass, Rector, St. John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Lemaster		

—33

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Glass and Kirkland for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cook:

S. 381. To exempt certain catalogues from state, county and municipal sales and use taxes; to provide retroactive effect and to provide certain refunds for prior taxed catalogues.

Committee on Finance and Taxation.

By Messrs. St. John and Britnell:

S. 382. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 383. To amend Sections 6-5-230, 6-5-231, 6-5-232, 6-5-239, 3-5-241 and 6-5-243, Code of Alabama 1975, so as to provide for the redemption of real estate within two years after sale under execution or by virtue of any decree in the circuit court or under any deed of trust or power of sale in a mortgage.

Committee on Judiciary.

By Mr. Britnell:

S. 384. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to exempt circulation and registration records from Section 36-12-40, Code of Alabama 1975.

Committee on Education.

By Mr. Cook:

S. 385. To amend Section 25-4-10, Code of Alabama (1975), as last amended, so as to exclude from coverage those services performed as an intern or resident in the employ of a hospital, school of dentistry, or school of optometry by an individual who has completed a four year course in a dental school or optometry school chartered or approved pursuant to state law.

Committee on Business and Labor Relations.

By Mr. Holmes:

S. 386. To amend subsection (a) of Section 40-9-12 of the Code of Alabama 1975 in order to exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a nonprofit corporation, and all real and personal property of said Board of Trustees or said nonprofit corporation and to provide that no action or proceeding for the collection or enforcement of any such tax, license, fee or charge may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

Committee on Finance and Taxation.

By Mr. White:

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

Committee on Governmental Affairs.

By Messrs. White and Hall:

S. 388. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Committee on Governmental Affairs.

By Mr. White:

S. 389. To establish the Victim/Witness Services Act; to define specific terms used; to prescribe that an Office of Victim/Witness Services be established under which the provisions of this act shall be administered. The Office of Victim/Witness Services shall develop guidelines for funding Victim/Witness Service Programs as prescribed by this act; shall process applications from local groups who wish to seek funding for provision of victim/witness services; shall award contracts to those agencies who develop promising programs which address the service needs of victims and witnesses in a comprehensive manner; and, shall monitor those programs which are selected to assure that those programs are delivered in a manner which targets the special needs of victims/witnesses. The Office of Victim/Witness Services is authorized to promulgate, issue and implement reasonable rules and regulations necessary to assure that local service programs seeking funding under this act are aware of the criteria for program funding, the method of evaluating proposals submitted under this act, and the requirements mandated upon receipt of program funding, as well as procedures for terminating funds. The Office of Victim/Witness Services is authorized to utilize funding from this act for administration of this program, to formulate and conduct necessary research on the impact of criminal victimization upon the citizens of Alabama; to carry out program evaluations to assure adequate performance; to conduct educational programs designed to improve public awareness of crime and its negative impact upon the quality of life in Alabama; to coordinate services for victims in Alabama; and to serve as a clearinghouse for information relating to the problems of victims/witnesses and the services provided. Additionally, the office shall report annually to the legislature on the status of criminal victimization in Alabama, as well as the status of programs and services authorized under this act. This act also creates a structure for this program in the state government and enables a 15 member advisory board to be appointed for this office. This act provides for the office of Victim/Witness Services to obtain funding through the general fund.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 390. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses and other payments.

Committee on Governmental Affairs.

REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Callahan:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

By Mr. Callahan:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

By Mr. Vacca:

S. 212. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

By Mr. Vacca:

S. 213. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

By Reps. Smith (J), Coburn, Naramore, Turnham, Cosby and Mitchell:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds or thereby decreases county or municipal revenue collection; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 129. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, the Judicial Compensation Commission has rendered its report to the 1982 Regular Session of the Legislature; and

WHEREAS, the State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, it is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1982, in the House of Representatives and on January 19, 1982, to the Senate, and the recommendations contained therein, are hereby denied.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 129, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 128. WHEREAS, The Legislature of the State of Alabama is currently faced with the dilemma of adequate funding of existing state education programs; and

WHEREAS, President Ronald Reagan has asked the United States Congress to withdraw \$37 million in federal elementary and secondary education funds appropriated for Alabama for school year 1982-83; and

WHEREAS, President Reagan has requested an appropriation for school year 1983-84 that would reduce Alabama's elementary and secondary education funds by \$54 million; and

WHEREAS, President Reagan has recommended a program entitled "New Federalism" to the United States Congress; and

WHEREAS, The "New Federalism" program would severely limit funds available for education programs in Alabama, including Vocational Rehabilitation; Vocational Education; Adult Basic Education; Education; Education Consolidation and Improvement Act (ECIA), Chapter 2; and Child Nutrition; and

WHEREAS, Alabama would be the second largest loser if the "New Federalism" plan is adopted; and

WHEREAS, The shift in support for public elementary and secondary education programs could cost Alabama as much as \$150 million annually; and

WHEREAS, The assistance received from the federal level by Alabama has been important in assisting our State in public education, and the discontinuation of these funds could prove to be detrimental to our children should the State not be able to replace them; and

WHEREAS, the Legislature of Alabama will be directly involved in efforts to replace lost federal funds:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That a special conference be called by the Office of the State Superintendent of Education to investigate and study "New Federalism" and President Reagan's budget proposal in order to determine their effects on education for the State of Alabama; and

BE IT FURTHER RESOLVED That the Governor, Lieutenant Governor, Speaker of the House, Chairmen of the Senate Finance and Taxation Committee and Education Committee, Chairmen of the House Ways and Means Committee and Education Committee meet with the State Superintendent of Education, other education leaders, Alabama's Congressional Delegation, and representatives of President Reagan in order to study budget cuts and President Reagan's "New Federalism" proposal; and

BE IT FURTHER RESOLVED That staff personnel of the above named conference participants be involved in preliminary conferences to prepare for the conference; and

BE IT FURTHER RESOLVED That the said conference participants be prepared to make recommendations to the Alabama Legislature, the United States Congress, and the Administration regarding further budget cuts and "New Federalism."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 128, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Reed and Ray:

H. 473. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and authority of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain county jail facilities and other county buildings; validating certain provisions of Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and providing for the state revenue department to collect certain county industrial taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 473. To the Committee on Local Legislation No. 1.

(The above Bill was read a first time at length as required by the Constitution.)

BILL RECONSIDERED

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

as amended, was passed on the Tenth Legislative Day.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, S. B. 48, as amended, was ordered to its third reading.

Mr. Cook then offered the following amendment to the Bill, S. B. 48, as amended, to-wit:

AMENDMENT TO S. B. 48

Amend S. B. 48 on page 5 by striking the paragraph, "The committee shall be vested with all powers given to the Legislative Parking Committee. The Legislative Parking Committee created by Act 79-5, 1979 Organizational Session is hereby abolished.", which paragraph is located on lines 24, 25, 26 and 27 of page 5.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	St. John
Bailey	Goodwin	Little	Smith
Callahan	Gulledge	Martin	Taylor
Cook	Hall	Miller	Teague
deGraffenried	Higginbotham	Parsons	White

—19

Nays:

—0

And said Bill, S. B. 48, as thus amended, was again read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John
Bailey	Gulledge	Little	Smith
Callahan	Hall	Martin	Taylor
Cook	Harrison	Miller	Teague
deGraffenried	Higginbotham	Parsons	White
Denton			

—20

Nays:

—0

COMMITTEE OF THE WHOLE

On motion of Mr. Smith, the Senate resolved itself into a Committee of the Whole, for consideration of S. B. 112.

The purpose of the Committee of the Whole having been accomplished, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 48. To amend Sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee; to grant certain powers to the committee; to remove the finance director's control over said officers; to transfer all appropriations and equipment; to abolish the Legislative Parking Committee; and to grant police powers to the capitol police.

ALBERT McDONALD,
Chairman.

MOTIONS IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 238, on page 82 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 238, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 217, on page 76 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 217, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 222, on page 77 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 222, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. Weeks and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 90. HONORING MR. ARTHUR HAMPTON COKER, JR., PROMINENT ALABAMA EDUCATOR.

WHEREAS, in commendation of outstanding service, the Legislature of Alabama notes the retirement of Mr. Arthur Hampton Coker, Jr., following a 17-year association with Troy State University, for twelve years as Director of Housing and Conference and as counselor and teacher for a period of five years; and

WHEREAS, Mr. Coker, who was awarded a Bachelor's Degree from Auburn University in 1946, also earned his Master's Degree and studied additionally on the post graduate level at Auburn University; and

WHEREAS, prior to Mr. Coker's service at TSU, he was a classroom teacher and principal at schools in Florida and in Alabama from 1947 until 1964; and

WHEREAS, professionally he has served as Secretary of the Coosa County Principals Association, president of Coosa County Educational Association and both as vice president and as president of the Troy State University Educational Association; and

WHEREAS, Mr. Coker's long tenure at TSU was marked with excellence and was outstanding in its dedication to the University and to the many students he taught, counseled and served through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Arthur Hampton Coker, Jr., as one of our state's most prominent educators and direct that he receive a copy of this resolution in token of deep appreciation for his dedicated service and in warm best wishes for his every future success.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 128. REQUESTING THAT A SPECIAL CONFERENCE BE CALLED BY THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION TO INVESTIGATE AND STUDY "NEW FEDERALISM" AND PROPOSED BUDGET TO DETERMINE EFFECTS ON EDUCATION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 91. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 238.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. deGraffenried:

S. 238. To Amend Sections 2, 7, 8, 23, 48, 62, 73, 93, 104, 106, 114, 121, 134, 139, 162, 163, 169, 186 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act".

Which was read and referred to the Standing Committee on Rules.

Mr. Keener offered the following Senate Resolution, to-wit:

S. R. 92. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 217.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Keener and deGraffenried:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

Which was read and referred to the Standing Committee on Rules.

Mr. Keener then offered the following Senate Resolution, to-wit:

S. R. 93. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 222.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Messrs. Keener and deGraffenried:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 94. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of upon reaching bills on third reading:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 115	5	Bd. of examiners of landscape arch., cont.
S. B. 139	32	Bd. of Nursing
S. B. 114	13	Podiatry, Bd.
S. B. 116	6	Professional Engineers, Bd.
S. B. 117	6	Forestry, Bd.
S. B. 118	14	Optometry, Bd.

S. B. 119	7	Firefighters
S. B. 120	7	Peace Officers
S. B. 121	14	Dental Examiners, Bd.
S. B. 122	15	Pharmacy, Bd.
S. B. 123	8	Social Workers, Bd.
S. B. 138	19	St. health planning & dev. agency, term/ estab/repeal
S. B. 125	8	Public Accountancy, St. Bd. cont.
S. B. 126	9	Athletic Commission
S. B. 127	15	Nursing Home Administration, Bd.
S. B. 128	16	Hearing Aid Dealers, Bd.
S. B. 129	9	General Contractors, Lic. Bd. cont.
S. B. 131	10	Architects, Bd.
S. B. 132	11	Plumbers
S. B. 134	11	Dairy Commission
S. B. 136	12	Public Library Service
S. B. 113	5	Bd. of medical technical examiners, term.
S. B. 124	15	Bd. of chiropractic examiners, cont.
S. B. 130	17	Bd. of phy. therapists, cont.
S. B. 133	17	Al. bd. of exam. in psy., cont.
S. B. 135	31	Bd. of pardons & parole, cont.
S. B. 137	18	St. health dept., cont.
S. B. 261	42	Barbers Bd.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. Hall offered the following Senate Resolution, to-wit:

S. R. 95. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 329.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inaplicable to the Bill:

By Mr. Hall (with notice and proof):

S. 329. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham,

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Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

On motion of Mr. Hall, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
Denton	Holmes	Parsons	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little	Robertson	White

—23

Nays:

—0

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 96. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 272.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons (with notice and proof) (With Amendment):

S. 272. Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain semiretired or retired district judges in the 10th Judicial Circuit.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Lemaster	Parsons	Weeks
Goodwin	Little	Proctor	White
Gulledge	Martin		

—21

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 50. COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75th ANNIVERSARY OF SERVICE.

Also:

S. J. R. 54. NAMING THE BRIDGE ON HIGHWAY 50, SPANNING THE TALLAPOOSA RIVER AT MARTIN DAM AND CONNECTING TALLAPOOSA AND ELMORE COUNTIES, THE "JACK B. VENABLE BRIDGE."

Also:

S. J. R. 55. CONGRATULATING MR. AND MRS. ROBERT B. GEDDIE, JR., ON THE BIRTH OF A DAUGHTER.

Also:

S. J. R. 57. COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS.

Also:

S. J. R. 64. CREATING A JOINT LEGISLATIVE COMMITTEE TO COORDINATE ARRANGEMENTS FOR THE FORTHCOMING VISIT OF PRESIDENT REAGAN TO SPEAK BEFORE A JOINT SESSION.

Also:

S. J. R. 80. AFRICATOWN, U.S.A. FOLK FESTIVAL.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 97. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 279.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons (with notice and proof):

S. 279. Relating to Jefferson County in regard to establishing the salary of the Deputy Probate Judge.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

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Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Cook	Harrison	McDonald	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Parsons	Teague
Goodwin	Lemaster	Pearson	Vacca
Gulledge	Little	Proctor	Weeks

—23

Nays: —0

BILLS ON THIRD READING

The Bill:

S. 329. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Hall	McDonald		

—25

Nays: —0

The Bill:

H. 11. Relating to Jefferson County; fixing the salary of the deputy probate judge.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Barron	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Hall	McDonald			—25

Nays:

—0

The Bill:

H. 31. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Barron	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Hall	McDonald			—25

Nays:

—0

The Bill:

H. 97. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Barron	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Hall	McDonald			—25

Nays:

—0

The Bill:

S. 272. Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain semiretired or retired district judges in the 10th Judicial Circuit.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 272, to-wit:

COMMITTEE AMENDMENT TO S. B. 272

Amend Senate Bill 272 by striking the words "semiretired or" where they appear on lines 16 and 19 in said bill.

Also further amend Senate Bill 272 by adding the following language at the end of Section 1:

"Payment by Jefferson County under the provisions of this Act shall be in lieu of and will terminate the payment of any other compensation or pension benefit payable to such retired district judge by Jefferson County."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Hall	McDonald		

—25

Nays: —0

And said Bill, S. B. 272, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Hall	McDonald		

—25

Nays: —0

The Bill:

S. 279. Relating to Jefferson County in regard to establishing the salary of the Deputy Probate Judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Barron	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Hall	McDonald			—25

Nays: —0

The Bill:

H. 15. Relating to Montgomery County; authorizing the county commission to make annual grants towards the support of any museum of fine arts located within the county and repealing Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Barron	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Cook	Hilliard	Parsons	Vacca	
Denton	Holmes	Proctor	Weeks	
Figures	Keener	St. John	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 53. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 54. To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the abolition of the offices of tax assessor and tax collector of such county.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 237. To repeal Act No. 81-1084, H. 68 of the 1981 Third Special Session, which proposes a constitutional amendment providing the county governing body of Winston County may provide for forest fire protection by levying a tax on lands on other than an ad valorem basis; and to specifically provide for legislative intent.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	St. John
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Little	Proctor	White
Figures	Martin		

—25

Nays: —0

The Bill:

H. 351. Relating to Marshall County; to repeal Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Figures

Goodwin	Little	Proctor	Teague	
Hall	Martin	St. John	Vacca	
Hilliard	McDonald	Smith	Weeks	
Holmes	Mitchem	Taylor	White	
Keener	Pearson			—25

Nays: —0

The Bill:

H. 363. Relating to Coosa County; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and public driveways under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the public roads, bridges and ferries of Coosa County; and providing that the provisions of this act shall not become effective until approved at a referendum election held for such purpose.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 364. Relating to Coosa County; to provide that the associate county commissioners shall work on a part-time basis, to be effective only upon the passage and approval of an act passed by the legislature in the 1982 Regular Session and approved by a majority of the electors of Coosa County which places the county on a unit system of road maintenance and provides for a county engineer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

Nays: —0

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 43, on page 81 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 43, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Denton then offered the following Senate Resolution, to-wit:

S. R. 98. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 43.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Denton:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such

acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 302, on page 90 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 302, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Barron then offered the following Senate Resolution, to-wit:

S. R. 99. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 302.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953 are inapplicable to the Bill:

By Messrs. Barron, Higginbotham, Harrison, White, Holmes, Parsons and Taylor:

S. 302. To propose a constitutional amendment amending subsection 6.09 (d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Messrs. Gullledge and Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 215, on page 59 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 215, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Gullledge then offered the following Senate Resolution, to-wit:

S. R. 100. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 215.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Gulledge:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 62. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 226.

On motion of Mr. Callahan, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Parsons	Taylor
Callahan	Holmes	Pearson	Teague
Cook	Little	Robertson	Vacca
deGraffenried	McDonald	St. John	Weeks
Goodwin	Miller	Smith	White
Gulledge	Mitchem		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Holmes	Mitchem	Vacca
Callahan	Lemaster	Pearson	Weeks
Cook	Little	Robertson	White

—19

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 63. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 276.

On motion of Mr. Callahan, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Robertson	
Bailey	Holmes	Miller	Taylor	
Barron	Keener	Parsons	Vacca	
Callahan	Lemaster	Pearson	Weeks	
Cook	Little	Proctor	White	
deGraffenried	Martin			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis, Howard, Payne, Amari, Smith (C), Boles, Biddle, Bennett, Buskey, Cheatwood, Cobb, Crow, Daniels, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Holmes, Horn, Jackson, McMillan, Nevett, Owens, Ray, Riddick, Sasser, Trammell, Tucker, Waggoner, Ward and Willis:

H. J. R. 132. COMMENDING DR. CHARLES L. PAYNE, 1982 PRESIDENT OF THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 132, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 2.

Yeas:

Messrs.:	Denton	Mitchem	Taylor
Bailey	Goodwin	Parsons	Teague
Britnell	Gulledge	Pearson	Vacca
Callahan	Higginbotham	Proctor	Weeks
Cook	Martin	Smith	White
deGraffenried	Miller		

—21

Nays: Messrs.: Holmes and Little. —2

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 60. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 212.

On motion of Mr. Vacca, said Resolution was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Britnell	Higginbotham	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Little	St. John	

—22

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 212. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

was taken up.

On motion of Mr. Cook, further consideration of the Bill, S. B. 212, was postponed temporarily.

The Bill:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of

county funds or municipal funds or thereby decreases county or municipal revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

was taken up.

Mr. Martin requested and received unanimous consent to offer the following amendment to the Bill, H. B. 167, to-wit:

AMENDMENT TO H. B. 167

In the Synopsis, page 1, line 17, and in the title, page 1, line 30, delete each period and include the following language:

; and providing that the provisions of this act shall become effective January 1, 1983.

Delete Section 6, page 2, lines 30, 31 and 32 entirely and include the following new Section 6:

Section 6. The provisions of this act shall become effective January 1, 1983.

Further amend House Bill 167 by inserting on page 2 after line 24 the following section and renumbering all subsequent sections:

"Section 4. The Director of the Legislative Fiscal Office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the State. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson	
Barron	Hall	McDonald	Smith	
Britnell	Harrison	Parsons	Taylor	
Cook	Higginbotham	Pearson	Vacca	
Denton	Little	Proctor	White	
Goodwin				—20

Nays: —0

And said Bill, H. B. 167, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Goodwin
Barron	Cook	Denton	Gulledge

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Hall	Holmes	Miller	Taylor
Harrison	Little	Parsons	Vacca
Higginbotham	Martin	Proctor	Weeks
Hilliard	McDonald	Smith	White

—23

Nays: —0

FURTHER CONSIDERATION OF S. B. 212

The Senate proceeded to further consideration of the Bill S. B. 212.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 212, to-wit:

AMENDMENT TO S. B. 212

Amend Senate Bill No. 212 Page 3 Line 6, by inserting the word "sum" after the word "such" and after the word "sum" on line 6 delete the words "Monthly Salary"

and on line 8 after the word "Resonable" reinstate the following:

"but not to exceed \$600.00 per month, except in cases where the board of commissioners, board or municipal public corporation requires the full time services of the mayor or President of the Board of Commissioners as superintendent of such system, in which event he may be paid not more than \$1200.00 per month for such service.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.:	deGraffenried	Higginbotham	Taylor
Bailey	Denton	Holmes	Vacca
Britnell	Goodwin	Little	Weeks
Cook	Hall	Smith	White

—15

Nays: —0

And said Bill, S. B. 212, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Taylor
Bailey	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Higginbotham	Proctor	Weeks
Cook	Holmes	Robertson	White
deGraffenried	Little	Smith	

—22

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 61. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 213.

On motion of Mr. Vacca, said Resolution was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Bailey	Hall	McDonald	Smith	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Holmes	Pearson	White	
deGraffenried	Little			—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 213. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

was taken up.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 213, to-wit:

AMENDMENT TO S. B. 213

Amend Senate Bill No. 213 Page 3 Line 26, by inserting the word "sum" after the word "such"

and after the word "sum" on line 30 delete the words "Monthly Salary"

and on line 32 after the word "Reasonable" reinstate the following: "but not to exceed \$600.00 per month, except in cases where the board of commissioners, board or municipal public corporation requires the full time service of the mayor or president of the Board of Commissioners as superintendent of such system, in which event he may be paid not more than \$1200.00 per month for such service.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Little	Robertson	White	
Denton				—20

Nays:

—0

REGULAR SESSION
11th Day

435

And said Bill, S. B. 213, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Bailey	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Little	Robertson	Weeks
Denton	Martin	St. John	White
Goodwin			

—24

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 90. HONORING MR. ARTHUR HAMPTON COKER, JR., PROMINENT ALABAMA EDUCATOR.

On motion of Mr. Weeks, said Resolution was then adopted by the Senate.

RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 101. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1. ACT NO. 81-953, INAPPLICABLE TO S. B. 115.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 115. Relating to the continued existence and functioning of the Board of Examiners of Landscape Architects provided for in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Robertson
Bailey	Goodwin	McDonald	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Higginbotham	Parsons	Teague
Cook	Holmes	Proctor	White
deGraffenried	Little		

—21

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 115. Relating to the continued existence and functioning of the Board of Examiners of Landscape Architects provided for in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and as may otherwise be provided by law.

Mr. Teague offered the following substitute for the Bill, S. B. 115, to-wit:

SUBSTITUTE FOR S. B. 115

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Landscape Architects, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-17-1 through 34-17-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Examiners of Landscape Architects, created and functioning pursuant to sections 34-17-1 through 34-17-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-17-24 and 34-17-25 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-17-24. (a) Every landscape architect shall pay an annual license fee to the board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.

"(b) If the annual license fee is not paid before it becomes delinquent a penalty of \$10.00 \$50.00 shall be added to the amount thereof per year.

"(c) If the annual license fee and penalty are not paid before the thirtieth day of June in the year in which they become due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or

certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears on the records of the board. The notice of delinquency shall state that upon the expiration of time herein allowed his certificate will be suspended unless, within said time, the annual license fee and penalty are remitted.

"(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

"(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

"§ 34-17-25. The fees prescribed by this chapter shall be in the following amounts:

"(1) The application fee for examination is \$50.00 \$125.00.

"(2) The fee for an original certificate is \$25.00 \$35.00.

"(3) The fee for a temporary certificate is \$25.00 \$100.00.

"(4) The fee for a duplicate certificate is \$10.00 \$20.00.

"(5) The annual license fee is \$25.00 \$50.00.

"(6) The penalty fee is \$50.00, as provided in section 34-17-24 of this chapter."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Callahan	Lemaster	Parsons	Vacca
Goodwin	Little	Proctor	Weeks
Gulledge	Martin	Robertson	White
Hall	McDonald		

—21

Nays: —0

And said Bill, S. B. 115, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Cook	Denton	Gulledge
Callahan	deGraffenried	Goodwin	Hall

Higginbotham	Miller	Robertson	Vacca
Lemaster	Mitchem	Smith	Weeks
Martin	Parsons	Taylor	White
McDonald	Proctor	Teague	—22

Nays: Messrs.: Holmes and Little.

—2

RESOLUTION

Mr. Hilliard offered the following Senate Resolution, to-wit:

S. R. 102. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 139.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Hilliard (With Substitute):

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-21-2, 34-21-5, 34-21-22 and 34-21-40, Code of Alabama 1975, so as to: To define the term "consumer," who will be a new board member; to change the terms of board members to two years; to change the selection process for the six registered nurse board members; to grant equal voting privileges to practical nurse board members; to alternate annually the officers of the board between administrative and educator nurses; to provide four weeks' notice of proposed rule changes and for notifying those affected by rule changes and providing for public hearings on proposed rule changes; to provide that the board shall recommend, rather than proscribe, educational standards to the state board of education for educational programs for nursing; to require that the board's executive officer need not hold a master's degree; and to provide that a person trained as a registered nurse shall be eligible to sit for the exam for licensed practical nurse.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Barron	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Weeks
deGraffenried	Keener	Parsons	White
			—23

Nay: Mr. Hilliard.

—1

BILLS ON THIRD READING RESUMED

The Bill:

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1

through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-21-2, 34-21-5, 34-21-22 and 34-21-40, Code of Alabama 1975, so as to: To define the term "consumer," who will be a new board member; to change the terms of board members to two years; to change the selection process for the six registered nurse board members; to grant equal voting privileges to practical nurse board members; to alternate annually the officers of the board between administrative and educator nurses; to provide four weeks' notice of proposed rule changes and for notifying those affected by rule changes and providing for public hearings on proposed rule changes; to provide that the board shall recommend, rather than proscribe, educational standards to the state board of education for educational programs for nursing; to require that the board's executive officer need not hold a master's degree; and to provide that a person trained as a registered nurse shall be eligible to sit for the exam for licensed practical nurse.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 139, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 139

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, as presently existing.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Nursing, and voted to recommend the continuance of said Board created and functioning pursuant to Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, but with modifications.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee to the extent that the Board of Nursing be continued.

Section 3. Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, relating to the Board of Nursing are hereby continued.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Robertson	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Harrison	Miller	Teague	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	—31

Nay: Mr. Hilliard. —1

And said Bill, S. B. 139, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	—29
Figures	Lemaster			

Nay: Mr. Hilliard. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake (with notice and proof):

H. 487. Relating to St. Clair County, repealing Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), which required county and municipal governing bodies in St. Clair County to publish certain financial data.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 487, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 487. To the Committee on Local Legislation No. 1.

ADJOURNMENT

At 4:45 P.M., on motion of Mr. Hall, the Senate adjourned until Thursday, February 18, 1982, at 10:30 A.M.

TWELFTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 18, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Wayne Watts, Pastor, First Baptist Church, Pinson, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell.	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures			

—32

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Glass, Kirkland, and Pearson for today.

RESOLUTION

Mr. Martin offered the following Senate Resolution, to-wit:

S. R. 103. COMMENDING MRS. MADGE VANDIVER, PRESIDENT, AND THE STAFF OF NORTH ALABAMA PRINTING COMPANY, DECATUR, ALABAMA.

Which was adopted.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan:

S. 391. To amend Section 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide for funding by legislative appropriation and to make a conditional appropriation to said office.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 392. Relating to arbitration; to provide for a short title; to provide for applicability of Act; to provide for the effect of agreements to submit to arbitration controversies, existing or thereafter arising; to provide for applications to the court, venue, and service of papers; to provide for limitation of time as a bar to arbitration; to provide for applications to the court to compel arbitration and to provide for demands for arbitration; to provide for appointment of arbitrators; to provide for an arbitration hearing and procedures relative thereto; to provide for subpoenas, notices to produce, depositions, and discovery; to provide for an award; to provide for changes of the award by the arbitrators on certain grounds; to provide for confirmation of the award by the court on certain grounds; to provide for the entry of judgment on the award; to provide for appeals; to provide for fees and expenses; to provide for severance of its parts if unconstitutional; to repeal conflicting laws; to provide for an effective date; and for other purposes.

Committee on Business and Labor Relations.

By Mr. Gullledge:

S. 393. To amend section 5-19-15, of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Committee on Judiciary.

By Mr. White:

S. 394. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

Committee on Health and Welfare.

By Mr. Goodwin:

S. 395. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits

are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 396. To authorize Sheriffs of the several counties of the State of Alabama to employ investigators to determine certain qualifications of a person before issuing a pistol license and to establish methods of compensation.

Committee on Governmental Affairs.

By Mr. St. John:

S. 397. To amend Section 27-29-1, Code of Alabama, 1975 to provide that "control" of an Alabama insurer shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of such insurer and to provide that for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer.

Committee on Banking and Insurance.

By Mr. Little:

S. 398. To make an appropriation from the state general fund for the purpose of entering into a professional services contract to analyze the cash and other assets management function of the state and make recommendations for improvements therein.

Committee on Finance and Taxation.

By Messrs. Parsons, Robertson, Mitchem and Goodwin:

S. 399. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any judgment or decree for the payment of support; to provide that such order may be entered as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the obligor and the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Committee on Judiciary.

By Mr. Weeks:

S. 400. Relating to private investigative agencies, watchman, guard or patrol agencies; providing for requirements, fees and method of obtaining licenses; providing for fingerprinting, and regulation of licensees; providing for responsibilities and powers of the secretary of state in implementing the provisions of this Act, requiring a bond of licensees; providing for the revocation or suspension of licenses and hearings therefor; providing for an appeal; providing for the enforcement of this Act; providing misdemeanor penalties for violations thereof; providing for administrative fines; making certain exemptions; and repealing all conflicting statutes.

Committee on Governmental Affairs.

RESOLUTIONS

Mr. Vacca offered the following Senate Resolution, to-wit:

S. R. 104. CREATING A SENATE COMMITTEE TO ARRANGE FOR A REUNION OF ALL FORMER MEMBERS OF THE ALABAMA SENATE.

WHEREAS, the Chamber of the Alabama Senate has had many distinguished and dedicated people over the years to serve the citizens of this great State; and

WHEREAS, many of the former members of the Alabama Senate continue active in charitable and public service; and

WHEREAS, many of our former colleagues too seldom find an opportunity to renew their friendship with each other and with this body; and

WHEREAS, these former members would do us great honor to gather with us at a reunion meeting; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That a committee of three members of the Senate be named by the President of the Senate to make arrangements for a date, time and location and all other matters appropriate for a reunion meeting of all our former colleagues of the Senate.

Which was adopted.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Vacca, St. John, and Robertson.

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 105. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 114.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	St. John
Bailey	Hall	Lemaster	Smith
Barron	Harrison	Little	Taylor
Britnell	Higginbotham	Martin	Vacca
Callahan	Hilliard	McDonald	Weeks
deGraffenried	Holmes	Parsons	White

—23

Nays:

—0

BILLS ON THIRD READING

The Bill:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Parsons
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
deGraffenried	Holmes	McDonald	Taylor
Denton	Keener	Miller	White
Gulledge			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 11. Relating to Jefferson County; fixing the salary of the deputy probate judge.

Also:

H. 15. Relating to Montgomery County; authorizing the county commission to make annual grants towards the support of any museum of fine arts located within the county and repealing Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473).

Also:

H. 31. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

Also:

H. 53. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Also:

H. 97. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Also:

H. 237. To repeal Act No. 81-1084, H. 68 of the 1981 Third Special Session, which proposes a constitutional amendment providing the county governing body of Winston County may provide for forest fire protection by levying a tax on lands on other than an ad valorem basis; and to specifically provide for legislative intent.

Also:

H. 351. Relating to Marshall County; to repeal Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages.

Also:

H. 363. Relating to Coosa County; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and public driveways under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the public roads, bridges and ferries of Coosa County; and providing that the provisions of this act shall not become effective until approved at a referendum election held for such purpose.

Also:

H. 364. Relating to Coosa County; to provide that the associate county commissioners shall work on a part-time basis, to be effective only upon the passage and approval of an act passed by the legislature in the 1982 Regular Session and approved by a majority of the electors of Coosa County which places the county on a unit system of road maintenance and provides for a county engineer.

Also:

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security

of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. J. R. 128. Requesting that a special conference be called by the Office of the State Superintendent of Education to study "New Federalism" and President Reagan's budget proposals affecting education in the State of Alabama; and naming conference participants.

Also:

H. J. R. 132. COMMENDING DR. CHARLES L. PAYNE, 1982 PRESIDENT OF THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.

Also:

H. 54. To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the abolition of the offices of tax assessor and tax collector of such county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 106. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 116.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 116. Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague
deGraffenried	Holmes	Miller	Weeks
Goodwin	Keener	Parsons	White
Gulledge	Lemaster	St. John	

—22

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 116. Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem
Bailey	Harrison	Little	Parsons
Britnell	Higginbotham	Martin	Robertson
deGraffenried	Hilliard	McDonald	Smith
Goodwin	Holmes	Miller	White
Gulledge			

—20

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 107. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 117.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem	
Bailey	Goodwin	Lemaster	Parsons	
Barron	Hall	Little	St. John	
Britnell	Higginbotham	Martin	Smith	
Callahan	Hilliard	McDonald	Taylor	
deGraffenried	Holmes	Miller	White	

—23

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Parsons	
Britnell	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Smith	
Goodwin	Holmes	Miller	White	
Gulledge				

—20

Nays:

—0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 108. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 118.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

REGULAR SESSION
12th Day

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Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Goodwin	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Weeks
deGraffenried	Hilliard	Parsons	White

—23

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem
Bailey	Harrison	Little	Parsons
Britnell	Higginbotham	Martin	Robertson
deGraffenried	Hilliard	McDonald	Smith
Goodwin	Holmes	Miller	White
Gulledge			

—20

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 109. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 119.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may be otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Smith	
Bailey	Harrison	Little	Taylor	
Barron	Higginbotham	McDonald	Teague	
Britnell	Hilliard	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Parsons	White	
Goodwin				—24

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 35-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Parsons	
Britnell	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Smith	
Goodwin	Holmes	Miller	White	
Gulledge				—20

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 110. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 120.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
Callahan	Higginbotham	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Parsons		—26

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Parsons	
Britnell	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Smith	
Goodwin	Holmes	Miller	White	
Gulledge				—20

Nays: —0

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 111. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 121.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Barron	Cook	Denton
Bailey	Britnell	deGraffenried	Goodwin

Hall	Lemaster	Robertson	Vacca	
Higginbotham	Little	Smith	Weeks	
Holmes	McDonald	Taylor	White	
Keener	Mitchem			—21
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Parsons	
Britnell	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Smith	
Goodwin	Holmes	Miller	White	
Gulledge				—20
<i>Nays:</i>				—0

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 112. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 122.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Weeks	
Callahan	Higginbotham	Parsons	White	
Cook	Holmes			—21
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem
Bailey	Harrison	Little	Parsons
Britnell	Higginbotham	Martin	Robertson
deGraffenried	Hilliard	McDonald	Smith
Goodwin	Holmes	Miller	White
Gulledge			—20

Nays:

—0

RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 113. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 123.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Denton	Keener	Mitchem
Bailey	Goodwin	Lemaster	Parsons
Britnell	Hall	Little	Robertson
Callahan	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Holmes	Miller	Weeks
			—23

Nay: Mr. White.

—1

BILLS ON THIRD READING RESUMED

The Bill:

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Parsons	
Britnell	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Smith	
Goodwin	Holmes	Miller	White	
Gulledge				—20

Nays:

—0

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (With Amendments):

S. 290. To prescribe the authority and powers of Attorney General's investigators.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 296. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate such practice.

By Mr. White:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of

State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 359. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

By Reps. Gafford and Waggoner (with notice and proof):

H. 79. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 72. To amend Section 32-5-313, Code of Alabama 1975, which prescribes monetary penalties for traffic infractions, so as to provide further for the distribution of the fees.

By Mr. Cook:

S. 183. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to powers of arrest and to further provide for the wearing of badges.

By Mr. Cook:

S. 184. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

By Mr. Cook:

S. 185. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in

the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

By Mr. Cook:

S. 186. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Figures and Kirkland (With Amendment):

S. 219. To be known as "The Alabama Limited Partnership Act of 1982" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing §10-9-1 through §10-9-5; §10-9-20 through §10-9-28; §10-9-40 through §10-9-52; §10-9-70; §10-9-80; §10-9-90; §10-9-110 through §10-9-129; and §10-9-140 through §10-9-147, Code of Alabama (1975); and amending §10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 273. To amend Sections 25 and 27 of Act No. 81-855, H. 7, Regular Session 1981 (Acts of Alabama 1981, p. 1534) to clarify the effective date and publication date of the Administrative Procedure Act.

By Messrs. Lemaster and Mitchem:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing, disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

By Mr. McDonald:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 8. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

By Mr. Denton:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 322. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

The above Bill was read a second time at length as required by the Constitution.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists, as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

By Mr. Mitchem:

S. 379. To amend Section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provisions of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 237. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Educational Trust Fund and to specifically repeal certain conflicting statutes.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Robertson, Barron and Harrison:

S. 144. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

By Mr. Little:

S. 142. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

By Mr. Goodwin:

S. 199. To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

By Messrs. Robertson, Britnell, Denton, Goodwin, Barron, Harrison, Lemaster, Glass, Little and Higginbotham:

S. 336. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System or under the Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more upon services as an employee of an employer participating under Section 36-7-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to regulate and provide for the payment of such additional benefits; to make appropriations to cover the cost of such additional cost-of-living benefits; and to repeal conflicting laws.

Mr. Smith, Chairman of the Committee of the Whole, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (With Substitute):

S. 112. To terminate the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and to transfer all surplus fees, funds, or monies to the State General fund, and to transfer all equipment and property to the Division of Services of the State Finance Department and to repeal Sections 34-31-1 through 34-31-11, Code of Alabama 1975.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. deGraffenried:

S. 55. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

By Mr. Higginbotham:

S. 73. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

By Mr. Bailey:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in and grant tenure to certain professional personnel of the Department of Youth Services under the teacher tenure law; to provide for an employment procedure for new professional personnel and other staff personnel; to provide for a salary schedule for all educational personnel of the Department of Youth Services; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state boards of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in pari materia with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

By Mr. Little:

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

By Mr. Little:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

By Mr. Taylor:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

By Mr. Taylor:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 114. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 138.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 138. To terminate the existence and functioning of the State Health Planning and Development Agency and to specifically repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, relating to said agency; to create a new agency to be called the "Alabama Health Planning Commissions" and provide new provisions of law which would replace and assume the function of the terminated agency.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Harrison	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Robertson	White	
Denton	Keener			—25

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 138. To terminate the existence and functioning of the State Health Planning and Development Agency and to specifically repeal Sections 22-4-1,

22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, relating to said agency; to create a new agency to be called the "Alabama Health Planning Commissions" and provide new provisions of law which would replace and assume the function of the terminated agency.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 138, to-wit:

SUBSTITUTE FOR S. B. 138

A BILL
TO BE ENTITLED
AN ACT

To terminate the existence and functioning of the State Health Planning and Development Agency and to specifically repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, relating to said agency; to create a new agency to be called the "Alabama Health Planning Commission" and provide new provisions of law which would replace and assume the function of the terminated agency.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Health Planning and Development Agency, and voted to recommend the termination of said board created and functioning pursuant to Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277 of the Code of Alabama 1975, and further recommends that all functions, duties and responsibilities of the board be transferred to a newly created agency to be called the "Alabama Health Planning Commission" which is established hereinafter in Section 4 of this act.

Section 2. Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277 of the Code of Alabama 1975 are hereby expressly repealed.

Section 3. The legislature concurs in the recommendation of the Sunset Committee provided in Sections 1, 2, and 3 of this act.

Section 4. There is hereby created the Alabama Health Planning Commission which shall be created and shall function according to the following provisions:

A BILL
TO BE ENTITLED
AN ACT

To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission, including the power to promulgate rules and regulations; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission or Council members having an interest in matters before the agency; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification for the issuance of a certificate of need by the Commission; to provide for promulgation of rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service of facility without first obtaining the certificate of need described in this bill; to provide for waiver of formal review and substitutes expedited review under certain stated conditions; to specify the effective period of the certificate of need and the period for commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act; to deny reimbursement for services rendered by facilities constructed in violation of the Act; to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions

of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known, and may be cited as the "Alabama Health Planning Act of 1982."

Section 2. The legislature of the State of Alabama declares that it is the public policy of the State of Alabama that a certificate of need program be administered in the state to assure that only those health care services and facilities found to be needed shall be offered or developed in the state. It is the intent of the legislature to foster a sound health care system which provides quality care; encourages innovation and continuous development of improved methods of health care; and to enhance the orderly and economical distribution of health care facilities to prevent needless duplication of services.

Section 3. As used in this act, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

(1) **ALABAMA HEALTH PLANNING COMMISSION.** An agency of the State of Alabama which is designated by the Governor as the sole state health planning and development agency in accordance with Titles XV and XVI of the U.S. Public Health Service Act. Where used in this act, the terms, "Commission," "state agency," and "Alabama Health Planning Commission," shall be synonymous and may be used interchangeably.

(2) **STATEWIDE HEALTH COORDINATING COUNCIL.** A council established pursuant to the provisions of Title XV of the U.S. Public Health Service Act to advise the Alabama Health Planning Commission on matters relating to health planning and resource development and to perform such other functions as may be delegated to it by appropriate state and federal statutes.

(3) **STATE HEALTH PLAN.** The document prepared at least triennially, and reviewed and revised as necessary by the Statewide Health Coordinating Council, with the assistance of the Alabama Health Planning Commission, and approved by the Governor. The state health plan shall provide for the development of health facilities and programs to assure that quality health services will be available and accessible to all residents of the state.

(4) **HEALTH CARE FACILITY.** Such term shall include: General and specialized hospitals, public or private, including tuberculosis, psychiatric, long-term care and other types of hospitals and related facilities such as laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; rehabilitation facilities; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; free-standing emergency rooms; facilities for the developmentally disabled; home health agencies; health maintenance organizations; and health care services and facilities as specified by the federal act. The term, "health care facility," shall not include the private offices or clinics or physicians, dentists, or optometrists, whether for individual or group practice and regardless of ownership; office buildings built by or on behalf of a hospital, provided that no capital expenditure or

expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a hospital; or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

(5) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services, customarily furnished on either an inpatient or outpatient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

(6) **CAPITAL EXPENDITURES.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the facility as its own contractor), which under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance.

(7) **ACQUISITION.** Such term shall mean and include obtaining the legal or equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or sufferance, gift, devise, legacy, settlement of a trust, or means whatever, and shall include any act of acquisition including the transfer by purchase, lease or other comparable arrangements of the controlling interest of a capital stock, or voting rights of a corporation from one person to another. Such a transfer is deemed to occur when fifty percent (50%) or more of an existing capital asset or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one person from another person. The term, "acquisition," shall not mean or include any conveyance or creation of any lien or security interest by mortgage, deed of trust, security agreement, or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure of any such mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified hereinabove by a natural person to any member of such person's immediate family. For the purposes of this section "immediate family" shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the 4th degree of kindred as such degrees are computed according to law.

(8) **CONSTRUCTION.** Such term shall mean and include actual commencement with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabrication of any real property constituting a facility under this act, and the term, "construct," shall mean and include any act of construction. "Ground breaking ceremony," "receipt of bids," "receipt of quotation," or similar action that will permit unilateral termination without penalty shall not be considered "construction."

(9) **INSTITUTIONAL HEALTH SERVICES.** Health services provided in or through health care facilities, including the entities in or through which such services are provided and entails a new annual operating cost of at least \$250,000.00 (adjusted on a yearly basis using an index designated by the Secretary of the Department of Health and Human Services).

(10) **MODERNIZATION.** The alteration, repair, remodeling, replacement and renovation of existing facilities (including initial equipment thereof and the replacement of equipment in existing facilities).

(11) **MAJOR MEDICAL EQUIPMENT.** Equipment which is used for the provision of medical and other health services to inpatients of a hospital on other than an occasional or irregular basis and which costs in excess of \$400,000.00, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital if it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such act. In determining whether medical equipment has a value in excess of \$400,000.00, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

Section 4. The Alabama Health Planning Commission is hereby designated as the sole and official state health planning and development agency and shall be composed of nine (9) members. The members of the Commission shall be appointed as follows: the Alabama Hospital Association shall nominate two (2) persons from which the Governor shall select one (1) member; the Medical Association of the State of Alabama shall nominate two (2) persons from which the Governor shall select one (1) member; the State Committee of Public Health shall nominate two (2) persons from which the Governor shall select one (1) member; the Alabama Nursing Home Association shall nominate two (2) persons from which the Governor shall select one (1) member; and the Governor shall appoint five (5) other members. Members of the Commission shall serve for a term of three (3) years. However, in order to stagger the terms the initial appointments shall be as follows: three (3) members shall initially be appointed by the Governor for a term of three (3) years, three (3) shall be appointed initially for a term of two (2) years and three (3) shall be appointed initially for a term of one (1) year, and the Governor shall designate, at the time of making such appointments, the length of the term each member shall serve. Vacancies shall be promptly filled in the same manner as the original appointment was made. No member shall serve more than two (2) consecutive three (3) year terms provided, however, that members shall serve until their replacements are appointed. No person shall serve as a member of the Commission if he concurrently is a member of the Statewide Health Coordinating Council.

Section 5. The Alabama Health Planning Commission is authorized and empowered to:

(1) Conduct the health planning and development activities of the state;

(2) Issue, deny and withdraw certificates of need in accordance with the provisions of this act, the federal act and regulations promulgated pursuant thereto;

(3) Determine the statewide health needs of the state after providing reasonable opportunity for the submission of written recommendations respecting such needs by the State Board of Health, State Mental Health Board, and other agencies of State government, designated by the Governor, for the purpose of making such recommendations, and after consulting with the Statewide Health Coordinating Council;

(4) Prepare, review, and revise as necessary, a preliminary state health plan which shall be submitted to the Statewide Health Coordinating Council for use in developing the state health plan;

(5) Assist the Statewide Health Coordinating Council in the review of the state health plan and in the performance of its functions generally;

(6) Compile, maintain and publish a statewide inventory of health care facilities and their types of services;

(7) Evaluate at least annually its functions and performance;

(8) Provide technical assistance to individuals and public and private entities in obtaining and filling out the necessary forms for the development of projects and programs;

(9) Adopt and promulgate reasonable rules and regulations necessary to carry out the provisions and purposes of this act in accordance with Act No. 81-855, Regular Session 1981, (Alabama Administrative Procedures Act). The requirements of the Alabama Administrative Procedures Act shall become effective and be binding upon the Alabama Health Planning Commission immediately upon the effective date of this act;

(10) Enforce the rules and regulations promulgated by the Commission as provided in this act;

(11) Perform such other functions as may be necessary to carry out the intent and purpose of this act.

Section 6. The Commission shall adopt and promulgate administrative rules and regulations which will insure continued compliance with the minimum requirements set forth under the federal act and the regulations promulgated pursuant to the federal act, provided such regulations do not conflict with any provisions of state law.

Section 7. The Alabama Health Planning Commission shall appoint an administrative officer to serve at the pleasure of the Commission and shall fix his salary, such salary to be established without regard to any limitation now, or hereafter established by law unless such law specifically refers to the administrative officer of the Alabama Health Planning Commission.

Section 8. Each member of the Alabama Health Planning Commission shall receive reimbursement for all allowable expenses at the per diem and mileage rate prescribed by law for state employees for each day spent in carrying out the functions and duties of the Commission.

Section 9. A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission.

Section 10. No member of the Alabama Health Planning Commission or the Statewide Health Coordinating Council may, in the exercise of any function described in this act, vote on any matter before the agency respecting any applicant or holder of a certificate of need with which such member has or within the twelve months preceding the vote, had any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. A member who has or has had such a relationship with the applicant or holder of a certificate of need involved in a matter before the agency, shall make a public disclosure of the relationship before any action is taken by the agency, and such disclosure shall become a part of the record of the proceeding.

Section 11. The principal office of the Commission shall be located at the State Capital, and it shall be kept open during the usual business hours.

The Commission shall hold meetings at its principal office and at such other convenient places in the state as are expedient or necessary for the proper performance of its duties, and shall conduct its meetings in public in accordance with state law.

Section 12. (a) There shall be established an advisory council, to be designated the Statewide Health Coordinating Council, which shall advise and consult with the Alabama Health Planning Commission as the designated health planning and development agency in the administration of the health planning and resources development functions set forth in this act.

(b) The Council shall have no fewer than sixteen (16) members and no more than twenty-five (25) members appointed by the Governor. A simple majority of which shall be individuals who are consumers of health care and who are not providers of health care. The remainder of the Council members shall be providers of health care of whom are not less than one-half ($\frac{1}{2}$) shall be direct providers of health care.

(c) The Medical Association of the State of Alabama, the Alabama Hospital Association, and the Alabama Nursing Home Association shall each nominate two (2) representatives to be appointed by the Governor to serve on the Council.

(d) The State Committee of Public Health shall name a representative to be an ex officio member of the Council.

(e) Members of the Council shall serve for a period of three (3) years, except that one-third ($\frac{1}{3}$) of the members of the council shall be initially appointed for a period of one (1) year, one-third ($\frac{1}{3}$) shall be appointed initially for a period of two (2) years, and one-third ($\frac{1}{3}$) shall be appointed initially for a period of three (3) years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment was made. No member shall serve more than two (2) consecutive three (3) year terms provided, however, that members shall serve until their replacements are appointed.

(f) The Governor shall insure representation on the Council from each congressional district in the state.

(g) The Council may appoint persons other than members of the Council to special task forces to perform specifically designated functions and duties for the Council with a limited time period.

(h) All members of the Council and members of task forces shall be paid all allowable expenses incurred in carrying out the functions and duties of the Council at the per diem rate and mileage rate prescribed by law for state employees.

Section 13. The Governor may select the chairman of the Statewide Health Coordinating Council from among the members of the Council. If the Governor does not select the chairman, the Council shall select the chairman from among its members.

Section 14. The Statewide Health Coordinating Council shall conduct its meetings in public in accordance with state law, and shall meet at least once each calendar quarter of a year. A majority of the Council shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercises of any power of the Council.

Section 15. All officers, employees and agents of the State of Alabama and all departments, divisions, bureaus, commissions, subdivisions

and agencies of the government thereof are hereby authorized to confer, plan and cooperate with the Alabama Health Planning Commission, Statewide Health Coordinating Council and their agents and employees in health planning and resources development functions. Any department of the government of Alabama which has statutory or legally designated authority and responsibility to administer state or state-federal programs which involve related health functions shall cooperate with the Alabama Health Planning Commission in its health planning and resources development functions so that these programs shall be properly considered in the overall health program.

Section 16. All new institutional health services which are subject to this act and which are proposed to be offered or developed within the state shall be subject to review under this act. For the purpose of this act, "new institutional health services" shall include:

(1) The construction, development, acquisition through lease or purchase or otherwise, or other establishment of a health care facility; or

(2) Any expenditure by or on behalf of a health care facility in excess of \$600,000.00 (adjusted on a yearly basis using an index designated by the Secretary of the Department of Health and Human Services), which, under generally accepted accounting principles consistently applied, is a capital expenditure; or

(3) A change in the existing bed capacity of a health care facility through the addition of one or more beds, or the relocation of one or more beds from one physical facility to another; or

(4) Institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis in or through such health care facility within the 12-month period prior to the time such services would be offered; or

(5) The acquisition of major medical equipment.

Section 17. The Alabama Health Planning Commission shall prescribe by rules and regulations the criteria and clarifying definitions for reviews covered by this act. These criteria shall include at least the following:

a. A determination that the proposed facility, service, or expenditure, except in emergency circumstances that pose a threat to public health, is not inconsistent with the state health plan utilizing the most recent data available.

b. A determination that the proposed facility, service, or expenditure is consistent with the long-range development plan, if any, or the person proposing such facility, service, or expenditure.

c. A determination that there exists a significant unmet public need for the proposed facility, service, or expenditure.

d. A determination that less costly, more efficient, or more appropriate alternatives to the proposed facility, service, or expenditure are not available, or if available, are not practicable.

e. A determination that the proposed facility, service, or expenditure is cost-effective in relation to the delivery of like existing health services in the area to be served.

Section 18. On or after the effective date of this act, no person shall acquire, construct or operate an institutional health service; shall furnish or offer, or purport to furnish an institutional service; or shall make an arrangement or commitment for financing the offering of an institutional health service, unless such person shall first obtain from the Alabama Health Planning Commission a certificate of need therefor.

Section 19. (1) At the request of the applicant, the Alabama Health Planning Commission may waive the procedures for a formal review of an application for a certificate of need and substitute therefor expedited review. The Commission shall grant or deny expedited review status within 15 days from the date the application is deemed complete. The Commission shall issue or deny a certificate of need on all projects assigned expedited review status within 45 days from the date of determination of expedited review status.

(2) A project which would normally be subject to formal review shall be assigned expedited review status if the proposed project involves capital expenditures and/or modification of health facilities of services in emergency circumstances that pose a threat to public health. Emergency circumstances shall include acts of God, fire, vandalism, structural and/or mechanical failure, and other similar situations which, if not promptly acted upon, would pose a threat to public health. Any applicant acting under this section must file within 30 days of such occurrence, an application with the Commission for an expedited review.

(3) The Commission shall grant expedited review status and, notwithstanding the criteria adopted by the state agency, shall approve an application for a certificate of need of a capital expenditure which is required:

- a. To eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or
- b. To comply with licensure standards; or
- c. To implement professionally certified energy conservation programs; or
- d. To comply with accreditation standards compliance with which is required to receive reimbursements under Title XVIII of the Social Security Act or payments under a state plan for medical assistance approved under Title XIX of such act.

(4) The Alabama Health Planning Commission shall grant expedited review status for a capital expenditure which is required:

- a. To replace or repair worn or obsolete major medical equipment; or
- b. To make repairs, alterations or improvements to a health care facility which do not result in an addition in beds or a substantial change in health services; or
- c. In such other circumstances as the state agency may, by regulation, prescribe.

Provided, however, in conducting such review, the state agency shall consider the criteria and thresholds used for formal review.

Section 20. (a) A certificate of need issued under this act shall be valid for a period not to exceed 18 months. If no obligation has occurred within such period, the certificate of need shall be considered terminated and shall be null

and void. Should the obligation be incurred within such valid period, the certificate of need shall be continued in effect for a period not to exceed one (1) year or the completion of the construction project whichever shall be later or the inauguration of the service or the actual purchase of equipment.

(b) Failure to commence the construction project within 18 months after issuance of the certificate of need, or to complete the construction project within a reasonable period of time shall render the certificate of need null and void, however, the Commission may continue the certificate of need in force if it can be shown that the construction work has not ceased or otherwise been stopped for a period not to exceed two (2) consecutive months during the specified construction period for cause beyond the control of the applicant.

(c) All certificate of need applications shall specify the time the applicant will require to make services or equipment available or to obligate expenditures, and shall contain a timetable for making such services or equipment available or obligating such expenditures. If, on the basis of a periodic review thereof, the Commission determines that the holder of the certificate is not meeting such timetable, or is not making a good faith effort to meet it, the Commission may withdraw such certificate.

(d) Applicants who held valid certificates of need which were terminated under this section may file a new application for a certificate pursuant to and subject to the provisions of this act.

(e) Upon completion of the construction and issuance of a certificate of completion or the receipt of proof of purchase of equipment, the certificate of need shall be continued in force and effect.

(f) Certificates of need shall not be transferable or assignable, and shall be valid solely to the person named thereon.

Section 21. (a) The Alabama Health Planning Commission shall establish a fee schedule for applications for certificates of need. The fee schedule shall be based on 0.5% ($\frac{1}{2}$ of 1%) of the project, the maximum of which shall not exceed \$4,000.00, and shall be used for the purpose of defraying the lawful operating expenses of the certificate of need program. In addition, there is hereby authorized to be appropriated from the general funds of the State of Alabama such amounts as may be necessary from time to time to defray the costs of administering this act over and above such fees as may be collected under this section.

(b) Application fees collected under this act shall not be refundable. Fees collected under this act are hereby appropriated for the purposes stated in this act.

(c) All fees collected under this act shall be retained in a separate fund for the purpose of enforcing and administering this act, and shall be disbursed as other funds of the state are disbursed.

Section 22. Every certificate of need issued pursuant to the provisions of this act shall specify the maximum amount of capital expenditure which may be obligated under such certificate. The Commission shall review, in accordance with this act, capital expenditures obligated or expected to be obligated for any project which exceeds the amount specified in the certificate of need. If the amount of the capital expenditures obligated or expected to be obligated for the project exceeds the maximum amount specified in the certificate of need by less than 20% or \$600,000.00 (whichever is less) the

review shall be conducted in accordance with the provisions of Section 19. However, if the amount of the capital expenditures obligated or expected to be obligated for the project exceeds the maximum amount specified in the certificate of need by more than 20% or \$600,000.00 (whichever is less) the review shall be conducted in accordance with Section 17.

Section 23. (a) No certificate of need for new inpatient facilities or services shall be issued unless the Alabama Health Planning Commission makes written findings on each of the criteria used for review pursuant to Section 17 of this act.

(b) The Commission shall render a decision on an application for a certificate of need within 65 days from the date the application is deemed complete and notification thereof is made to the applicant. An extension of 30 days in the review period may be made by the Commission with the written consent of the applicant. All reviews must be completed prior to the termination of the review period. If the Commission does not make a decision within the period of time specified for review, the proposal shall be deemed to be approved.

Section 24. Nothing in this act shall be construed to authorize the licensure, supervision, regulation or control in any manner of:

(a) Private offices or clinics of physicians, dentists, or optometrists licensed to practice under the laws of the State of Alabama, whether for individual or group practice and regardless of ownership.

(b) Establishments, such as motel, hotels and boarding houses, which provide domiciliary and auxiliary commercial services, but do not provide medical nursing personnel and health related services, including, but not limited to boarding houses which are operated by persons contracting with an agency of the federal, state or local government for boarding services.

Section 25. The Attorney General shall appoint counsel to serve and advise the Alabama Health Planning Commission and shall replace such counsel upon request of the Commission.

Section 26. Any person, whether an employee or not, who, as a member of the Commission, Council, committee, task force, or other part of any agency established or designated under this act, who performs duties or activities in good faith on behalf of that Commission, Council, committee, task force or agency and without malice shall be immune from any liability for payment of any form of damages.

Section 27. For informational purposes only, at least 30 days prior to termination or substantial reduction of a service or a permanent decrease in the bed complement of a health care facility, the facility shall notify the Commission of its intended action.

Section 28. (A) Injunctive relief against violations of this act or any reasonable rules and regulations of the Commission may be obtained from the Circuit Court of Montgomery County, Alabama, at the instance of the state agency, any holder of a certificate of need that is adversely affected in the exercise of privileges thereunder by such violation or any member of the public directly and adversely affected by such violation. It shall be the duty of the Attorney General of the State of Alabama to prosecute such action for injunctive relief on behalf of the Commission to an appropriate conclusion.

(b) The State Board of Health shall not issue a license to operate new inpatient beds or any health care facility constructed or acquired in violation of this act and without a certificate of need issued pursuant to this act.

(c) Any facility or service provided or constructed in violation of this act and without a certificate of need shall not receive reimbursement for services rendered by the health care facility or for the service provided by the facility which is provided in violation of said act without a certificate of need. This provision applies to all reimbursement programs administered by the State of Alabama. Recommendations will be made to other reimbursing agencies that reimbursement be denied.

Section 29. The Alabama Health Planning Commission shall prepare and distribute an annual report to the Governor, the health committees of the Alabama Legislature, the State Board of Health, and to any other person who requests the report, which shall include the status of each review currently being conducted, the reviews completed since the last report, a general statement of the findings and decisions made in the course of such reviews, and the evaluation of the functions and performance of the Commission as required by Section 5 of this act.

Section 30. All assets, liabilities, contractual rights and obligations, files, books, papers, records, equipment, furniture, any other tangible property, and any other assets accruing or vesting in the State Health Planning and Development Agency, as constituted in Executive Order Number 7, dated June 26, 1979, shall, on the effective date of this act, be transferred to the Alabama Health Planning Commission. All funds, money and other receipts on deposit in the State Treasury to the credit of the State Health Planning and Development Agency shall be credited to the Alabama Health Planning Commission for its use in carrying out the provisions of this act.

Section 31. Except where in conflict with provisions of this act, on the effective date of this act, all rules, regulations, procedures, plans, certificates of need, and applications relating to the functions transferred by this act, are enforceable and shall continue to be effective until revised, repealed or nullified pursuant to state law. All pending business before the state agency, Statewide Health Coordinating Council, or other agencies affected by the act, relating to the functions transferred by this act, shall be continued and acted upon by the appropriate agency. All applications that were submitted before the effective date of this act shall be reviewed according to the law in effect at the time of submission. All existing contracts, obligations and memoranda of understanding pertaining to the functions transferred by this act, shall remain in force and effect and shall be performed by the appropriate agency. Neither the abolition of any agency nor any of the transfers authorized by this act shall affect the validity of any action performed by such agency, council, or board affected by this act, prior to the effective date of this act.

Section 32. All employees engaged in duties pertaining to the functions transferred by this act to the Commission shall be assigned to the Commission on the effective date of this act to perform their usual duties, subject to any action that may be appropriate thereafter, in accordance with the laws and rules governing personnel and employees of the State of Alabama.

Section 33. No provision of this Act shall be interpreted to be predicated upon the continued existence of the National Health Planning and Resources Development Act of 1974 (Public Law 93-641), and the repeal, in whole or in part, of any of the provisions contained in the National Health Planning and Resources Development Act shall not serve to invalidate, alter, suspend, or amend any of the provisions of this Act.

Section 34. Severability. The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 35. Repeal. All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict hereby repealed and specifically Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-17, 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama, 1975, are hereby repealed.

Section 36. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Hall	McDonald	Teague
Barron	Holmes	Miller	Vacca
Britnell	Keener	Mitchem	Weeks
Callahan	Lemaster	Smith	White
deGraffenried	Little	Taylor	

—18

Nay: Mr. Higginbotham. —1

Mr. McDonald then offered the following amendment to the substitute for the Bill, S. B. 138, as amended, to-wit:

AMENDMENT TO S. B. 138 AS AMENDED

Amend S. B. 138 as substituted by adding a period after the word acquisition in Section 3, page 7, line 35 and by deleting the following words from that Section: "including the transfer by purchase, lease or other comparable arrangements of the controlling interest of a capital stock, or voting rights of a corporation from one person to another. Such a transfer is deemed to occur when fifty percent (50%) or more of an existing capital asset or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one person from another person."

Which was adopted.

Yeas 19; Nays 5.

Yeas:

Messrs.:	deGraffenried	Keener	Robertson
Bailey	Denton	Martin	Smith
Britnell	Goodwin	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Holmes	Mitchem	Weeks

—19

Nays: Messrs.: Higginbotham, Hilliard, Little, Parsons and White. —5

And said Bill, S. B. 138, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem	
Britnell	Hall	Little	Parsons	
Callahan	Harrison	Martin	Robertson	
deGraffenried	Higginbotham	McDonald	Smith	
Denton	Hilliard	Miller	Taylor	
Goodwin	Keener			—21

Nay: Mr. White. —1

MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 356, on page 59 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 356, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Vacca then offered the following Senate Resolution, to-wit:

S. R. 115. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 356.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Vacca:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

On motion of Mr. Callahan, the Rules were suspended and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 366, on page 84 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 366, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Callahan then offered the following Senate Resolution, to-wit:

S. R. 116. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 366.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953 are inapplicable to the Bill:

By Mr. Callahan:

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 197, on page 43 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 197, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Mitchem then offered the following Senate Resolution, to-wit:

S. R. 117. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 197.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Mitchem:

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 12 o'clock, Mr. Goodwin moved that the Senate take a recess until 1:30 this afternoon.

Mr. White offered a substitute motion that the Senate adjourn, which motion was lost.

The questions was then on the motion to recess, and a call of the roll resulted in a tie vote.

Yeas 12; Nays 12.

Yeas:

Messrs.:	Keener	Martin	Taylor	
Bailey	Lemaster	McDonald	Weeks	
Goodwin	Little	Parsons	White	
Higginbotham				—12

Nays:

Messrs.:	Denton	Miller	St. John	
Britnell	Hall	Mitchem	Smith	
Callahan	Holmes	Robertson	Teague	
deGraffenried				—12

The President and Presiding Officer of the Senate voted "aye"; therefore, the motion to recess was adopted, and at 12:05 P.M., the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 358, on page 65 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 358, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Denton then offered the following Senate Resolution, to-wit:

S. R. 118. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 358.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Denton:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

Which was read and referred to the Standing Committee on Rules.

Mr. Smith offered the Senate Resolution, to-wit:

S. R. 119. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 125.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	Parsons
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Goodwin	Keener	Robertson
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Martin	Taylor
Cook	Higginbotham	McDonald	Vacca

—19

Nays:

—0

RESOLUTION

Mr. Hilliard offered the following Senate Resolution, to-wit:

S. R. 120. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 126.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Hilliard:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	St. John	
Britnell	Higginbotham	McDonald	Smith	
Cook	Holmes	Miller	Taylor	
deGraffenried	Keener	Parsons	Vacca	
Goodwin	Lemaster			—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Miller	
Bailey	Goodwin	Keener	Robertson	
Barron	Gulledge	Lemaster	Smith	
Britnell	Hall	Martin	Taylor	
Cook	Higginbotham	McDonald	Vacca	
				—19

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 121. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 127.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Homes Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

REGULAR SESSION
12th Day

481

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Barron	Holmes	Miller	Taylor
Britnell	Keener	Parsons	Vacca
Cook	Lemaster	Robertson	White
Goodwin	Little		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Goodwin	Keener	Robertson
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Martin	Taylor
Cook	Higginbotham	McDonald	Vacca

—19

Nays: —0

RESOLUTIONS

Messrs. Robertson, McDonald, and Britnell offered the following Senate Joint Resolution, to-wit:

S. J. R. 122. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN ALABAMA.

WHEREAS, as defined by Professional Secretaries International, a secretary is an executive assistant who possesses a mastery of office skills, demonstrates the ability to assume responsibility without direct supervision, exercises initiative and judgement and makes decisions within the scope of assigned authority; and

WHEREAS, in such a role, professional secretaries are a vital part of our nation's business, industry, education, government and the professions; and

WHEREAS, today's office is increasingly dependent upon the professional secretary's skill, organization and decision-making capability; and

WHEREAS, since 1952, a National Professional Secretaries Week and a National Professional Secretaries Day have been observed to increase the public's awareness of the escalating dependence of business, government, education and the professions upon the skills, loyalty and efficiency of their professional secretaries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the aims and purpose of the national observance, we hereby name and designate the week of April 18-24, 1982, as Professional Secretaries Week and Wednesday, April 21, 1982, as Professional Secretaries Day in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in declaration of our warm praise and regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, McDonald, and Britnell then offered the following Senate Joint Resolution, to-wit:

S. J. R. 123. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN TUSCALOOSA COUNTY.

WHEREAS, as defined by Professional Secretaries International, a secretary is an executive assistant who possesses a mastery of office skills, demonstrates the ability to assume responsibility without direct supervision, exercises initiative and judgment and makes decisions within the scope of assigned authority; and

WHEREAS, in such a role, professional secretaries are a vital part of our nation's business, industry, education, government and the professions; and

WHEREAS, today's office is increasingly dependent upon the professional secretary's skill, organization and decision-making capability; and

WHEREAS, since 1952, a National Professional Secretaries Week and a National Professional Secretaries Day have been observed to increase the public's awareness of the escalating dependence of business, government, education and the professions upon the skills, loyalty and efficiency of their professional secretaries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the aims and purpose of the national observance, we hereby name and designate the week of April 18-24, 1982, as Professional Secretaries Week and Wednesday, April 21, 1982, as Professional Secretaries Day in Tuscaloosa County.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in declaration of our warm praise and regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 138. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, February 18, 1982, we adjourn to meet again on Tuesday, February 23, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 138, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 124. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 128.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Mitchem	

—22

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons
Bailey	Hall	Little	St. John
Barron	Higginbotham	Martin	Smith
Britnell	Hilliard	McDonald	Taylor
Cook	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin			

—24

Nays:

—0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 125. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 129.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Parsons:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicant's financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Robertson	Weeks
Denton	Keener		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicant's financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

was taken up.

Mr. Parsons offered the following substitute for the Bill, S. B. 129, to-wit:

SUBSTITUTE FOR S. B. 129

A BILL
TO BE ENTITLED
AN ACT

Relating to the continued existence and functioning of the Licensing Board for General Contractors provided for in Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Licensing Board for General Contractors and voted to recommend the continuance of the said board created and functioning pursuant to Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975, relating to the Licensing Board for General Contractors are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Smith, further consideration of the Bill, S. B. 138, and pending substitute, was postponed temporarily.

RESOLUTIONS

Messrs. Bailey and Miller offered the following Senate Resolution, to-wit:

S. R. 126. COMMENDING STATE TROOPER CORPORAL JACK WEEKLEY OF DOTHAN, ALABAMA, ON HIS OUTSTANDING CAREER.

Which was adopted.

Mr. Bailey then offered the following Senate Joint Resolution, to-wit:

S. J. R. 127. CONGRATULATING AND COMMENDING ALABAMA'S 1981 STATE 3A FOOTBALL CHAMPIONS, THE EUFAULA HIGH SCHOOL TIGERS.

WHEREAS, during the six-year tenure of Head Coach George Cochran, the Eufaula High School Tigers have a phenomenal record of six winning seasons and two State 3A Football Championships; and

WHEREAS, the Tigers' first title was in 1978, and the second in 1981 with a sensational 13-1 record for this past season, including five shut-outs against such powerhouses as Beauregard, Valley, Bullock County and Chavala, and against Smith Station, 7-0, in the 3A area IV Championship; and

WHEREAS, in the State Playoffs, for the fourth straight year, the Tigers left tracks from one end of the state to the other, stomping Opp, Greenville and Thompson in their march North to a 39-20 win over Hartselle High School for the State 3A Crown; and

WHEREAS, Coach Cochran and his assistants, Coaches Joe Jennings, Stanley Lott, John Ed Olive and Sloan Walker, are indeed to be commended for their outstanding coaching ability and the Tigers, each and every one, for their hard work and extra effort all season long; and

WHEREAS, also sharing the glory and the credit are staff members, the Tiger band, and the Varsity Cheerleaders who promoted the Tiger Pride Spirit among students, faculty and other fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach George Cochran and the Eufaula High School 1981 State 3A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Cochran on behalf of his staff and the entire team, with a copy also provided for appropriate display at Eufaula High School.

Which was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 128. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 131.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Keener		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Hilliard	Parsons
Barron	Goodwin	Holmes	St. John
Britnell	Gulledge	Lemaster	Smith
Cook	Hall	Miller	Weeks
deGraffenried	Higginbotham	Mitchem	White

—19

Nays:

—0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 129. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 132.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Parsons
Barron	Gulledge	Keener	St. John
Britnell	Hall	Lemaster	Smith
Cook	Harrison	Little	Vacca
deGraffenried	Higginbotham	Miller	Weeks
Denton	Hilliard	Mitchem	White

—23

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, P. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

was taken up.

Mr. Barron offered the following substitute for the Bill, S. B. 132, to-wit:

SUBSTITUTE FOR S. B. 132

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529,

H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the Title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Plumbers Examining Board, and voted to recommend the continuance of the board created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Plumbers Examining Board, created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), are hereby continued.

Section 4. The title and Section 1 of Act No. 529, H. 977, 1949 Regular Session, (Acts 1949, p. 827) are hereby amended to read as follows:

"An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census than 100,000 or more according to the 1940 federal decennial census, and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in the State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this act.

"Section 1. Definitions and Scope. This Act shall apply only in counties of this State having a population of not less than 100,000 or more 140,000 according to the last or any subsequent Federal census according to the 1940 federal decennial census. 'Plumbing,' as used in this Act, is the installation, repair or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems. A 'master plumber,' within the meaning and for the purpose of this Act, shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such

applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and, if such licensee be a firm or corporation, at least one active member of such firm or corporation, must be a duly registered master plumber, actively, continuously connected with the conduct of said business.

"A 'journeyman plumber' within the meaning of this Act is any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Miller	Teague	
Cook	Harrison	Parsons	Vacca	
deGraffenried	Higginbotham	Robertson	White	—19

Nays: —0

And said Bill, S. B. 132, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Little	St. John	
Britnell	Higginbotham	Martin	Smith	
Cook	Holmes	Miller	Teague	
deGraffenried	Keener	Parsons	Vacca	
Denton	Lemaster	Robertson	White	—20
Gulledge				

Nays: —0

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 130. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 134.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections

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12th Day

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2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Vacca
Britnell	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	White
Denton	Keener		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Keener	St. John
Bailey	Goodwin	Little	Smith
Barron	Hall	Miller	Vacca
Britnell	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	

—18

Nays: —0

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 131. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 136.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Holmes:

S. 136. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Public Library Service as provided in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, with certain modifications; to amend Sections 41-8-1 through 41-8-7, so as to: Change the name of the Service to "State Library of Alabama"; to designate the director as the "State Librarian"; and to prohibit the Public Library Service (State Library of Alabama) from promulgating regulations or rules which are inconsistent or in conflict with federal or state regulations, or which regulate educational requirements or hours of operation of libraries.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Higginbotham	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
deGraffenried	Keener	St. John	Weeks
Denton	Lemaster		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 136. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Public Library Service as provided in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, with certain modifications; to amend Sections 41-8-1 through 41-8-7, so as to: Change the name of the Service to "State Library of Alabama"; to designate the director as the "State Librarian"; and to prohibit the Public Library Service (State Library of Alabama) from promulgating regulations or rules which are inconsistent or in conflict with federal or state regulations, or which regulate educational requirements or hours of operation of libraries.

was taken up.

Mr. Holmes offered the following substitute for the Bill, S. B. 136, to-wit:

SUBSTITUTE FOR S. B. 136

A BILL TO BE ENTITLED AN ACT

Relating to the continued existence and functioning of the Alabama Public Library Service provided for in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Library Service and voted to recommend the continuance of the said Service created and functioning pursuant to Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, and hereby recommends the continuance of the said Alabama Public Library Service and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, relating to the Alabama Public Library Service are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor

—19

Nays: —0

And said Bill, S. B. 136, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Higginbotham	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Lemaster	Parsons	Teague
Denton			

—20

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 132. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 113.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Robertson	
Bailey	Hall	Lemaster	St. John	
Barron	Harrison	Little	Smith	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Hilliard	Mitchem	Teague	
Goodwin	Holmes			—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	Smith	
Britnell	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Teague	
Denton	Lemaster	Parsons		—18

Nays: —0

RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 133. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 124.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill.

By Mr. Parsons:

S. 124. Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Higginbotham	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Lemaster	Robertson	Vacca
Denton	Little	St. John	Weeks
Goodwin	Martin		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 124. Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Taylor
Bailey	Holmes	Mitchem	Teague
Barron	Lemaster	Parsons	Vacca
Britnell	Little	Smith	Weeks
Goodwin			

—16

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

RESOLUTION

Messrs. Little, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 134. CONGRATULATING OUR COLLEAGUE, SENATOR BISHOP BARRON UPON HIS APPOINTMENT TO THE COURT OF CRIMINAL APPEALS.

WHEREAS, the appointment of Bishop Barron of Montgomery to the Court of Criminal Appeals has been met with mixed emotion by those of us who have been privileged to serve with Senator Barron in the Alabama Legislature; and

WHEREAS, prior to his Senate service, beginning in 1979, Mr. Barron served in the House of Representatives for a period of some six years, and his effectiveness in state government has had a lasting and positive effect on the entire State of Alabama; his loss to the Legislature will be deeply felt and it is with regret that we face his departure; and

WHEREAS, a Montgomery attorney for a number of years, Senator Barron also is a certified public accountant; he holds a law degree from Jones Law School, and his B.S. degree in commerce and business administration was obtained at the University of Alabama; his years of active practice of law and his experience in the Legislature will hold him in good stead in his new position for which he is eminently qualified; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our good friend and colleague, Senator Bishop Barron, and also express our deep appreciation for his dedicated service in the Alabama Legislature; we further congratulate him on his appointment to the Alabama Court of Criminal Appeals and direct that he receive a copy of this resolution, in token of our warm praise, affection and regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Weeks requested that the Journal reflect his statement that the Selma March, which ended at the Capitol steps today, was orderly, peaceful, and well organized, and that he was very appreciative of the way in which the marchers conducted themselves, and the professional manner in which the Alabama state troopers and the Montgomery city police conducted themselves. As a white senator who represents a great majority of the black counties, he wanted to personally express his appreciation to everyone concerned.

MOTION IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 107, on page 12 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 107, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Smith then offered the following Senate Resolution, to-wit:

S. R. 135. DECLARING THE PROVISIONS OF PARAGRAPH (C) OF SECTION 1, ACT NO. 81-953, INAPPLICABLE TO S. B. 107.

BE IT RESOLVED BY THE SENATE OF ALABAMA That the provisions of Paragraph (C), Section 1, of Act No. 81-953, are inapplicable to the Bill:

By Mr. Smith:

S. 107. To amend Section 41-4-156 of the Code of Alabama 1975 so as to include municipal clerks in the distribution of local and general acts by the secretary of state.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 136. COMMENDING AND CONGRATULATING THE BENJAMIN RUSSELL HIGH SCHOOL WRESTLING TEAM AND COACH DWIGHT BUZBEE.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 127. CONGRATULATING AND COMMENDING ALABAMA'S 1981 STATE 3A FOOTBALL CHAMPIONS, THE EUFAULA HIGH SCHOOL TIGERS.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

ADJOURNMENT

At 2:55 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 23, 1982, at 2 o'clock P.M.

THIRTEENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 23, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Philip D. Wise, Pastor, Morningview Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Cook	Hilliard	Miller	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Glass	Kirkland	Proctor	White
Goodwin			

—32

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Callahan, Figures, and Mitchem for today.

COMMUNICATION FROM THE SUPREME COURT
THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1981-82

To the Members of the Senate and
the House of Representatives
State Capitol
Montgomery, Alabama

Dear Senators and Representatives:

We are in receipt of House Resolutions 20, 21 and 77, sponsored by Representative Gafford, House Resolution 119 sponsored by Representative Manley, and Senate Resolution 20 sponsored by Senator Cook. All of these resolutions request opinions of the Justices of the Supreme Court relating to legislative procedure regarding certain specified constitutional provisions. We can summarize these requested opinions as follows:

House Resolution 20 inquires whether the substitution of a proposed constitutional amendment to replace a statutory bill conflicts with Art. 4, Section 61, of the Constitution. House Resolution 21 poses the opposite question — whether the substitution of a statutory bill to replace a constitutional amendment conflicts with said Section 61 of the Constitution. House Resolution 77 relates to pending House Bill 414. House Bill 414 proposes to establish legislative procedure to make bills relating to crimes and offenses the paramount order of business, unless the House or Senate by resolution adopted by a three-fifths vote of the elected membership declares otherwise. House Resolution 77 poses the question whether the three-fifths voting requirement of House Bill 414 violates Sections 63 and 64 of our Constitution. House Resolution 119 also asks whether the three-fifths voting requirements of Act 81-953 contravene the provisions of Sections 63 and 64 of the Constitution. In addition, this resolution also requests our opinion whether Act 81-953 supersedes and relieves the Legislature from the restrictive procedural mandates of Code 1975, §41-20-10(a) (provisions of the "Alabama Sunset Law"). Senate Resolution 20 refers to another Senate resolution which proposes to exempt legislative consideration of Senate Bill 41 from the restrictive provisions of Section 1(C) of Act 81-953, inquiring of the Justices whether the provisions of Section 1(C) violate Sections 63, 64 and 66 of the Constitution.

Considering all of the resolutions and the various questions posed therein, it is apparent that both Houses of our Legislature are concerned with the proper application of the provisions of Act 81-953, First Special Session, 1981 (commonly referred to as the "budget isolation bill"), as those provisions purport to control and restrict the business of the Legislature now in process in its 1982 Regular Session. Act 81-953 is a general law which in summary establishes a paramount duty on the Legislature to consider and pass bills making "basic appropriations" and to present such bills to the Governor before any other bill can be "signed by either the presiding officer of the House or Senate and transmitted to the other House. . . ." Act No. 81-953, §1(C), Acts of Alabama, 1981.¹ The Legislature in its wisdom also provided an exception to said paragraph (C) of section 1 as follows:

¹Act No. 81-953, Acts of Alabama, 1981, reads as follows:

"Be It Enacted by the Legislature of Alabama:

¹(Continued)

"Section 1. (A) The following words and phrases, whenever used in this act, shall have the following respective meanings:

"'Basic Appropriations' means, with respect to any regular session of the Legislature, such appropriations as the Legislature may deem appropriate for the expenditures by the State during the ensuing Budget Period for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).

"'Budget Period' means a fiscal year of the State or such period other than fiscal year as may hereafter be fixed by law as the period with respect to which State budgets are prepared and State appropriations are made.

"(B) On or before the second legislative day of each regular session of the Legislature, beginning with the first regular session after January 1, 1982, the Governor shall transmit to the Legislature for its consideration a proposed budget for the then next ensuing Budget Period.

"(C) The duty of the Legislature at any regular session to make the Basic Appropriations for any Budget Period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1982, no bill (other than a bill making any of the Basic Appropriations) shall be signed by either the presiding officer of the House or Senate and transmitted to the other house until bills making the Basic Appropriations for the then ensuing Budget Period shall have been signed by the presiding officer of each House of the Legislature in accordance with Section 66 of the Alabama Constitution and presented to the Governor in accordance with Section 125 of the Constitution; provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of the members elected to that house, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

"(D) Upon the signing and presentation to the Governor in accordance with the said Sections 66 and 125 of bills making the Basic Appropriations, the provisions of the foregoing paragraph (C) prohibiting the final passage of bills in the House and Senate (other than bills making any part of the Basic Appropriations) shall cease to be effective and shall not be revived or become again effective as a result of (i) the subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the Governor or the Legislature under the provisions of the said Section 125; or (ii) a determination, by either judicial decree or opinion of the Justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

"(E) The Legislature may, by statute or rule, make such further provisions for the timely passage of bills making the Basic Appropriations.

"(F) Nothing contained herein shall be construed as requiring the Legislature to make any appropriation not otherwise required to be made.

"Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 4. This act shall become effective on January 1, 1982 and shall self-terminate on July 1, 1982."

"[A]nd provided further, that following adoption, by vote of either house of not less than three-fifths of the members elected to that house, of a resolution declaring that the provisions of this paragraph(C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein."

One of the central issues addressed by these several resolutions concerns Art. 4, Section 61, of the Alabama Constitution of 1901, which provides:

"No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose."

House Resolutions 20 and 21 specifically request our opinion as to whether a bill proposing a statute may be substituted for a bill proposing a constitutional amendment, and conversely, whether a bill proposing a constitutional amendment may be substituted for a bill proposing a statute without violating the provisions of §61.

It is interesting to observe that this same issue was presented to the Justices of the Supreme Court by Senate Resolution 42 in the First Special Session, 1981, while the Senate was considering House Bill 38 (the bill which proposed and resulted in the enactment of Act 81-953). Senate Resolution 42 was adopted by the Senate on August 13, 1981; however, on the same day the Senate took final action on House Bill 38, and accordingly, we were without authority to answer the request for an advisory opinion since this legislation was not then a matter "pending" before that legislative body. Opinion of the Justices, No. 281, [MS. August 18, 1981] — So. 2d — (Ala. 1981). See, Code 1975, §12-2-10; Opinion of the Justices, 384 So. 2d 1054, 1055, (Ala. 1980); Opinion of the Justices, 294 Ala. 582, 319 So. 2d 709 (1975); Opinion of the Justices, 286 Ala. 156, 238 So. 2d 326 (1970).

The statute authorizing the Justices of this Court to render advisory opinions was enacted into law in 1923. Code 1975, §12-2-10 [see, Act No. 43, Acts of Alabama, 1923]. In response to the first request for an advisory opinion, the Justices of this Court carefully considered the constitutionality of that act, and in an opinion by Justice McClellan, concurred in by Chief Justice Anderson and Associate Justices Somerville, Gardner and Thomas, determined that such a procedure was constitutionally appropriate. See, Opinions of the Justices, 209 Ala. 593, 96 So. 487 (1923). In that opinion, the majority opined the following:

"Interpreting the act according to its manifest effects, these conclusions must, of necessity, prevail: (a) That the act does not at all contemplate the advice or the advisory opinions of the Justices upon any matter relating to the wisdom, desirability, or policy of prospective legislative or executive action; (b) that the merely advisory opinions contemplated are those of the individual Justices, not of the Supreme Court of Alabama in its judicial capacity; (c) that specific inquiries, within the intent of the act, must involve or concern concrete, important constitutional questions upon matters or subjects of a general public nature, as distinguished from questions involved in the ascertainment or declaration of private right or interest; (d) and that responses to questions within the purview of the act are designed to be advisory, consultative only, not concluding or binding the Governor or the House or Houses propounding inquiries or the Justices responding thereto."

209 Ala. at 594.

A strong and well reasoned dissent by Associate Justices Sayre and Miller pointed out that the legislation authorizing advisory opinions was not

for the purpose of helping the Legislature overcome constitutional deficiencies in legislation pending before the Alabama Senate and House of Representatives, but instead the substance of the requests would be: If the Legislature should pass this act, is it your opinion that the Supreme Court will uphold its constitutionality? They felt this would, in effect, constitute a constitutional ruling on a legislative enactment prior to its passage without the benefit of allowing the matter to proceed through the adversarial process envisioned by the separation of powers safeguards included in our Constitution. See, *Opinions of the Justices*, 209 Ala. 593, 602-05, 96 So. 487 (1923). The minority further stated that "Each branch [of government] has the legal and moral right to decide such questions for itself." 209 Ala. at 603.

Since the first opinion, the Justices of this Court have conscientiously responded to requests of the Legislature, as well as the Governor, for advisory opinions.

"These opinions are usually given in deference to the executive and legislative departments of the state in order to guide them in the proper dispatch of their duties and to protect the officers and departments of the state in the performance of their duties under enacted legislation or under stipulation of proposed bond issues, etc."

Opinion of the Justices, 266 Ala. 370, 371, 96 So. 2d 752, 753 (1957). See also, *Opinion of the Justices*, 394 So. 2d 957, 959-60 (Ala. 1981). However, as has been pointed out many times, the procedure, as well as the advisability, of rendering advisory opinions is not without difficulty, particularly in view of the fact that the questions are presented outside the normal adversary system wherein pertinent facts from the record of a trial court would be presented, and the issues would be briefed by attorneys and most times orally argued before the Court.

"There are several reasons why the practice of invoking the merely advisory opinions of the Justices, in their individual capacities, cannot and will not operate to invite the Justices to prejudge concrete causes or proceedings that may later come to the Supreme Court for decision: First. Such merely advisory opinions must often pertain to important constitutional questions that never can or will come to the Supreme Court's consideration and decision; this, to illustrate, in all cases where the Legislature or the Executive does no act projecting or raising the constitutional inquiry upon which an advisory opinion or opinions have been requested and given. Second. Since only one prejudiced by official act or action can invoke the courts to judicially determine a constitutional question, it cannot be at all certain that the subject of such advisory opinion will be presented for judicial determination in a cause or proceeding in the courts. Third. The decision by the Supreme Court upon the constitutional validity of a legislative enactment or of an act by the Executive always contains this important factor that is wholly absent in a response by the Justices to a request for a merely advisory opinion on the question, pending legislative or executive action, namely, that in judicially testing and determining the constitutionality of legislative or executive action the Supreme Court—in the discharge of its high and concluding judicial function—always enters upon such an inquiry with the presumption, suggested by the deference due from one department to another, that the other department has not ignored or violated the Constitution; and this judicial presumption requires the sustaining of legislative or executive act, unless its invalidity appears beyond a reasonable doubt. In the observance of the practice, this act establishes, responses by the Justices

would not at all involve recourse to or recognition of the stated presumption pending action by the interrogator on the subject of the advice sought. In these circumstances, no evoking of the judgment of the Justices in advance of contestation of any constitutional question in the Supreme Court itself is or would be effected by the practice the act establishes."

209 Ala. at 598.

It is also instructive to note that advisory opinions are not binding precedents as are decisions on appeal to this Court. See, *Alabama Education Association v. James*, 373 So. 2d 1076 (Ala. 1979). Therefore, it is possible that this Court could render an advisory opinion offering its belief that a bill does not violate the Alabama Constitution but later declare the same act unconstitutional if a case presented on appeal so warranted. Once an advisory opinion is rendered, however, officers of this government acting on the basis of it are shielded from liability, to the same extent as are those who act pursuant to opinions of the attorney general. Code 1975, §12-2-12. See, *Opinion of the Justices*, 254 Ala. 177, 47 So. 2d 655 (1950). Additionally, if a request for an advisory opinion is presented to this Court concerning a bill that is almost identical in substance or form to previously enacted legislation, this Court must refuse to render the advisory opinion because the possibility of actual judicial involvement, i.e., hearing a case on the merits, exists. See, *Opinion of the Justices*, 272 Ala. 480, 132 So. 2d 381 (1961); *Opinion of the Justices*, 269 Ala. 658, 115 So. 2d 524 (1959); *Opinion of the Justices*, 266 Ala. 370, 96 So. 2d 752 (1957).

As to one of the central issues raised by the several resolutions requesting advisory opinions, we take judicial notice from our own records that the issue respecting §61 of the Constitution has been raised in the case of *Robert Gafford v. John W. Pemberton*, Clerk of the House of Representatives of the State of Alabama, et al., which was filed in the Circuit Court of Montgomery County, and which is now pending on appeal in this Court as Case No. 81-354. Additionally, Senate Resolution 20 was amended to add the following:

"BE IT RESOLVED FURTHER, that if the Justices should, in their wisdom, not address any or all questions propounded above, then, in that event, the Senate respectfully request that the Court, if possible, expedite their consideration of the case of *Robert Gafford, Plaintiff v. John Pemberton*, Clerk of the House of Representatives of the State of Alabama, et al. Defendants, Supreme Court No. 81-354."

While the questions propounded in Senate Resolution No. 20 and House Resolution No. 119, as well as in House Resolution No. 77, sponsored by Representative Gafford, who is the appellant in Case No. 81-354, are not identical with the issues presented in that case, it is apparent to the Justices of this Court that members of the Legislature are concerned about the operative effect of the provisions of Act No. 81-953 on the business of the Legislature currently being conducted at the 1982 Regular Session, and that a central issue is the constitutionality of Act No. 81-953. The basic constitutionality of that Act is raised in the case on appeal.

Accordingly, after carefully considering the several requests for advisory opinions contained in the four pending resolutions of the House and the Senate, it is our considered judgment and opinion that the best, wisest and

most appropriate action for this Court to take would be to expedite the appeal² in the pending Case No. 81-354 before this Court and to respectfully decline to address the inquiries made in the various resolutions.

Respectfully submitted,

C. C. TORBERT, JR.,
Chief Justice.

HUGH MADDOX,

JAMES H. FAULKNER,

RENEAU P. ALMON,

JANIE L. SHORES,

T. ERIC EMBRY,

SAM A. BEATTY,

OSCAR W. ADAMS, JR.,

Associate Justices.

OPINION RENDERED

The foregoing Communication from the Supreme Court, declaring the provisions of Act No. 81-953 null and void, was read and ordered filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds or thereby decreases county or municipal revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Smith (J), Campbell and Riddick.

JOHN W. PEMBERTON,
Clerk.

²Opinion of the Justices, 272 Ala. 480, 132 So. 2d 381 (1961); Opinion of the Justices, 269 Ala. 658, 115 So. 2d 524 (1959); Opinion of the Justices, 266 Ala. 370, 96 So. 2d 752 (1957). The case of Gafford v. Pemberton, 81-354 was submitted on briefs to this Court on February 9, 1982.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 167, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Taylor	
Bailey	Goodwin	Martin	Vacca	
Britnell	Gulledge	McDonald	Weeks	
Cook	Hall	St. John	White	
deGraffenried	Holmes	Smith		—18

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Martin, Gulledge, and Taylor.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Parker, Smith (C), Johnson (Roy) and Barton:

H. J. R. 146. DESIGNATING MAY 2 THROUGH MAY 9, 1982, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK IN ALABAMA.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, Alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 2-9, 1982, also be designated "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

•

BE IT FURTHER RESOLVED, That each family be encouraged to consider the joy and benefits of a drink-free life style.

RESOLVED FURTHER, That a suitably prepared copy of this resolution be transmitted to the Alabama Citizens Action Program (ALCAP).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 146, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Willis, Campbell and Venable:

H. J. R. 144. COMMENDING MR. CECIL WEATHERBEE, VETERAN ALABAMA NEWSPAPERMAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 144, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Seibels, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 141. NOTING THE ELECTION OF COACH JAMES RALPH JORDAN TO THE NATIONAL FOOTBALL FOUNDATION'S COLLEGE FOOTBALL HALL OF FAME.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 141, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cobb (with notice and proof):

H. 482. Relating to Marion County; to repeal Act No. 146, H. 416, 1963 Regular Session, which act prohibits the issuance of licenses to money lenders in Marion County under the Small Loan Act (Act No. 374, H. 102, Regular Session 1959; Sections 5-18-1 through 5-18-24, Code of Alabama 1975).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 482, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 482. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore (with notice and proof):

H. 437. Relating to Shelby County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 437, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 437. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 488. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty to any resident of Lamar County on certain beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system; to prescribe punishment for any person found guilty of falsely making claim for a bounty; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 488, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 488. To the Committee on Local Legislation No. 1.

RESOLUTIONS

Messrs. Weeks and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 137. NOTING THE RETIREMENT OF MR. JACK W. SMITH FOLLOWING A CAREER IN STATE SERVICE OF MORE THAN 42 YEARS.

WHEREAS, a native of Banks, Alabama, and a graduate of Brundidge High School, Mr. Jack W. Smith has been a resident of Enterprise since 1955; and

WHEREAS, Mr. Smith, a valued employee of the State of Alabama and with the State Highway Department since 1939, began his career in Surveys and Plans in Valley Head, Northeast Alabama, and worked throughout the state for the next 13 years; and

WHEREAS, in 1952, he joined the department's Seventh Division as Project Engineer, first in Andalusia and later in Troy; his transfer to Enterprise was as Resident Engineer, to remain as District Engineer for some 26 years and, for the past three years, as Division Maintenance Engineer; and

WHEREAS, Mr. Smith also has long been involved in community affairs as an active member of the First Baptist Church of Enterprise and a former member of the Lions Club; he is a charter member and first president of the Enterprise Kiwanis Club and served as District Lieutenant Governor, Kiwanis International, in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Jack W. Smith on his long and distinguished career with the Alabama Highway Department and sincerely wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Smith receive a copy of this resolution that he and his wife, Mrs. Louise Hulyn Smith, and their daughters, Sandra and Patricia, may know of our sincere warm praise and high regard.

Which was read and referred to the Standing Committee on Rules.

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 138. COMMENDING MR. RAY P. SMITH UPON HIS RETIREMENT AS DIVISION MATERIALS ENGINEER WITH THE ALABAMA STATE HIGHWAY DEPARTMENT.

WHEREAS, the Legislature of Alabama notes with utmost commendation the outstanding career of Mr. Ray P. Smith who is retiring February 28, 1982, after more than 40 years of distinguished state service; and

WHEREAS, Mr. Smith was first employed with the Alabama State Highway Department in 1941 and has been with the department continuously since that time with the exception of military service during World War II and duty primarily in the European Theatre of Operations; and

WHEREAS, from his first position as a Rodman, Mr. Smith was progressively promoted through the ranks, serving in various capacities, to his retirement position as Seventh Division Materials Engineer; and

WHEREAS, a native of Butler County, Mr. Smith is now a resident of Troy, Pike County, Alabama, and is a member of the Troy Presbyterian Church which he serves as Deacon and as Trustee; he and his wife, the former Margaret McQueen, are the parents of a son, James C. Richardson, and of a daughter, Miss Cynthia Smith, who covers the Legislature for The Montgomery-Advertiser; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ray P. Smith for outstanding service to the State of Alabama and direct that he receive a copy of this resolution, tendered in warm praise and in expression of our best wishes for every future success.

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 199, on page 87 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 199, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Goodwin then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 237, on page 85 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 237, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 139. HONORING FORMER ALABAMIAN, MAJOR GENERAL ARTHUR E. BROWN, JR.

WHEREAS, born in Manila, the Philippines, Major General Arthur E. Brown, Jr., moved frequently throughout the United States as dictated by his father's U. S. Army career assignments; and

WHEREAS, following his father's transfer to Fort Rucker, General Brown resided in Enterprise, Alabama, where he was enrolled at Coffee County High School, participating in football and in other sports as well; and

WHEREAS, Art, as he was known to his teammates and friends, also attended the University of Alabama; he was a graduate, however, of the United States Military Academy at West Point, receiving his commission as a Second Lieutenant of Infantry, and he later received a Master's Degree from the University of Pittsburgh; and

WHEREAS, throughout his illustrious military career, General Brown has served variously in Europe, in Vietnam, and throughout the United States including a tour of duty at the Pentagon and as Deputy Superintendent of the United States Military Academy at West Point; and

WHEREAS, General Brown also successfully completed Basic and Advanced Courses in the Infantry School and is a graduate of both the U. S. Army Command and General Staff College and the U. S. Army War College; and

WHEREAS, General Brown is the recipient of a number of military decorations including the Silver Star, Legion of Merit with three Oak Leaf Clusters, Distinguished Flying Cross with three Oak Leaf Clusters, Bronze Star with V Device and two Oak Leaf Clusters, Meritorious Service Medal and the Republic of Vietnam Cross of Gallantry with Gold Star, among others; and

WHEREAS, currently, General Brown serves as Commander, Army Readiness and Mobilization Region IV, at Fort Gillem, Georgia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend former Alabamian Major General Arthur E. Brown, Jr., on his illustrious military career, and direct that he receive a copy of this resolution in token of our warm praise and in declaration of our admiration of him as an outstanding patriot.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cook:

S. 401. To repeal Act No. 81-899, S. 32, of the First Special Session 1981, which Act proposed an amendment to the Constitution relating to the budgetary process and is entitled: "An Act To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1983, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made."

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 402. To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; to prescribe limitations to surgical procedures of the human foot.

Committee on Health and Welfare.

By Mr. Harrison:

S. 403. To establish pharmacy robbery as a separate class of robbery under the Code, and establish separate penalties therefor.

Committee on Judiciary.

By Mr. Bailey:

S. 404. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

Committee on Governmental Affairs.

By Mr. White (with notice & proof):

S. 406. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 406, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 407. To provide in Madison County, Alabama, for the fee charged and collected for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 13-6-155, Code of Alabama 1975, as last amended; to provide for the distribution of such fees and for law enforcement; and to specifically repeal Act No. 489, H. 1034 of the 1975 Regular Session, relating to pistol permit fees in Madison County; and all conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 407, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Miller:

S. 408. To transfer certain funds to the state parks division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 409. To allow the court in a divorce or separate maintenance action to order either parent to support his mentally or physically disabled child regardless of the child's age; to provide that said support may be required retroactively and may be granted upon a petition to modify.

Committee on Judiciary.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicant's financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

and pending Parsons substitute, which said substitute is set out in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Mr. Parsons, said substitute was laid on the table.

Mr. deGraffenried offered the following substitute for the Bill, S. B. 129, to-wit:

SUBSTITUTE FOR S. B. 129

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: change the time within which charges must be heard; and to change the place of the hearing.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Section 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Licensing Board For General Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-8-1 through 34-8-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Licensing Board For General Contractors, created and functioning pursuant to Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-8-2 and 34-8-4 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by \$200.00 for a new application or \$100.00 in case of a renewal. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his last annual financial statement, prepared by a certified public accountant (C.P.A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his previous experience, equipment and the facts in each case. An applicant shall not be so classified as to permit him to bid on or to perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license, and also setting out a letter symbol indicating the maximum limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than 10 times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence; and (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification 'E,' the limits shall then be set as classification 'U' — Unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

A	Not to exceed	\$ 100,000.00
B	Not to exceed	250,000.00
C	Not to exceed	500,000.00
D	Not to exceed	1,000,000.00
E	Not to exceed	3,000,000.00
U	Unlimited	

"(b) Any person failing to pass such examination may be reexamined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work and bid

limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit or a change in his classification. Application for renewal of a license, together with the payment of a fee of \$100.00, received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. Each newly licensed contractor performing work for the first time shall not be allowed to perform work beyond one contract under this license until evidence has been furnished satisfactory to the board that at least 80 percent of the first job has been satisfactorily performed. At the discretion of the board, a limited license may be issued for a particular project.

"Section 34-8-4. "The board shall have the power to revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of business. Any person may prefer charges of such fraud, deceit, negligence or misconduct against any general contractor licensed hereunder. Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which they were preferred. A time and place for such hearing shall be fixed by the board and held in the county in which said charges originated. The hearing shall be held at the office of the State Licensing Board For General Contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, any sheriff in the state or by registered or certified mail, at least 10 days before the fixed date for the hearing; and, in the event that such service cannot be effected 10 days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her or them and to produce evidence of witnesses in his, her or their defense. If after said hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:
Bailey

Barron
Cook

deGraffenried
Goodwin

Gulledge
Hall

Holmes	Martin	Proctor	Taylor	
Keener	Miller	Robertson	Teague	
Lemaster	Parsons	Smith		—18
<i>Nays:</i>				—0

And said Bill, S. B. 129, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	Miller	Taylor	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Robertson	Weeks	
Denton	Keener			—21
<i>Nays:</i>				—0

The Bill:

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapists as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-211, 34-24-214, 34-24-216, and 34-24-217, so as to: provide a definition of "foreign trained physical therapist" and authorizing the board to grant a license to such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; and to change the name of "physical therapy assistant" to "physical therapist assistant", and to allow such assistants to practice under direction of a licensed physician.

was taken up.

On motion of Mr. Smith, further consideration of the Bill, S. B. 130, was postponed temporarily.

The Bill:

S. 133. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48 of the Code of Alabama 1975, with certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements for licensure, in that a candidate must have a doctorate degree from a department or school of psychology recognized by the board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
13th Day

517

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Higginbotham	Parsons	Taylor
Barron	Holmes	Proctor	Vacca
Cook	Keener	Robertson	Weeks
Gulledge	Martin	St. John	

—18

Nays: —0

The Bill:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

was taken up.

On motion of Mr. Smith, further consideration of the Bill, S. B. 135, was postponed temporarily.

The Bill:

S. 137. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Health Department as provided in sections 22-1-1 through 22-1-9 and as variously provided in Chapters 1 and 2 of Title 22, of the Code of Alabama 1975; with certain modifications; to amend Section 22-2-2 so as to provide that the State Health Department shall recognize the use of aerobic wastewater treatment facilities and shall adopt rules and regulations regarding the construction and use of same.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Miller	Smith
Barron	Hall	Parsons	Taylor
Britnell	Higginbotham	Proctor	Weeks
Cook	Holmes	Robertson	White
Denton	Keener		

—21

Nays: —0

The Bill:

S. 261. To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds, or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16. Code of Alabama 1975.

was taken up.

Mr. Hall offered the following substitute for the Bill, S. B. 261, to-wit:

SUBSTITUTE FOR S. B. 261

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Barber Examiners as presently provided in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975; with certain modifications; to repeal said Sections 34-5-1 through 34-5-16, and to provide for the board of barbering and the regulation of the practice of barbering and teaching of barbering as provided for in the provisions of law in Section 4 hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Barber Examiners, and voted to recommend the continuance of the board presently created and functioning pursuant to Sections 34-5-1 through 34-5-16, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the State Board of Barber Examiners, presently created and functioning pursuant to Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, are hereby continued.

Section 4. The following bill, when enacted by the passage of this act, shall replace the provisions of Title 34, Sections 34-5-1 through 34-5-16, Code of Alabama 1975:

"A BILL
TO BE ENTITLED
AN ACT

"Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

"Section 1. 'The Practice of Barbering' as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

"Section 2. There is hereby created the Alabama Board of Barber Examiners, hereinafter referred to as 'board' or 'state board,' to consist of five (5) persons. Those individuals currently serving on the Alabama Board of Barber Examiners shall continue to serve until their terms are completed,

and thereafter the Governor shall appoint members to the board for a term of four (4) years and until their successors are appointed and qualified. At the first meeting of the board under the provision of this act, the members shall divide the state into three districts and shall select three of their number to be representatives from each district. The remaining two members shall serve as members at large. The districts should be drawn so that they are as nearly as practical of equal population and should divide the state into a northern, a middle and a southern district. No more than two (2) members of the Barber commission shall be from any one district. Each member of the said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. The board is hereby empowered to promulgate and amend rules and regulations for the registration, licensing, inspection, qualification, certification, examination, the renewal of registration, and the renewal of licenses of barbers, those who employ barbers, apprentice barbers, student barbers, barber shops, barber colleges, barber schools and to provide for courses and the duration thereof for the instruction of student barbers. Provided, however, no course of instruction for student barbers shall be less than fifteen hundred hours in duration. The board may from time to time promulgate any other rules and regulations it deems necessary and which are compatible with the provisions of this act and state health department regulations. The members of the board shall annually elect from its membership a chairman and a vice-chairman and shall appoint an executive secretary. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money, before entering upon the discharge of their duties, shall file with the treasurer of the state of Alabama, a good and sufficient bond in the amount of \$10,000, payable to the state of Alabama, to ensure the faithful performance of their duties and the premium on such bond shall be paid out of the funds of the board. The executive secretary of the board shall be paid a salary as determined by the board, to be paid semimonthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board. Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of official duties, and necessary expenses plus mileage as set forth by the state of Alabama for necessary travel incurred in such official duties, not to exceed 30 days in any one calendar year. The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operations of this act. The initial meeting of the board under the provisions of this act shall be on the second Monday in July, 1981. Thereafter, the board shall meet in the City of Montgomery during the month of January, April, July, and October on a day to be determined by board resolution, and at such other times and places that the Board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts. The board shall keep a permanent record of its proceedings, rules and regulations. It shall keep a register of applications for certificates or licenses showing the names and locations of the applicants' places of occupation or business and whether such applicants were granted or refused licenses. The books and records of the board shall be prima facie

evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection. The state board of barber examiners shall work with, seek the advice of and cooperate with the state health department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the state of Alabama. The state board shall work with, seek the advice of and cooperate with the state department on matters of establishing education curricula for applicants for barber schools or apprentice licenses or for a certificate as a journeyman barber.

"Section 3. The board shall have the power to refuse, revoke and suspend licenses and certificates under its rules and regulations and in accordance with the provisions of this act upon proof of violation of any sections of this act. The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing on any matter which the board has the authority to investigate, and for that purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found; such subpoenas shall be served and returned in the same manner as subpoenas in a criminal case are served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the circuit courts of this state. Such fees and mileage shall be paid from the fund of the board on deposit in the treasury for the use of the board in the same manner as other expenses of the board are paid. The board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate; provided, however, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate and execution may issue therefore in civil cases in the circuit courts of this state. The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section states, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business. Findings made by the board shall be deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given, an aggrieved party

shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In the event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part, or reverse in part, the finding of the board and shall render such final judgment as to the court may seem just and proper. In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

"Section 4. (a) No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the board of barber examiners.

"(b) No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the board of barber examiners.

"(c) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

"(d) No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

"(e) Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

"(f) Students entering barber school must register with the board of barber examiners and furnish a current health certificate, and pay an application fee of five dollars (\$5.00).

"(g) The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the board of barber examiners and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

"Section 5. (a) Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section shall not be construed to mean anyone except the barbers now practicing in the state of Alabama and instructors in barber colleges.

"(b) All instructors operating under the state vocational schools shall be exempt from qualifying fees. Such instructors shall receive an instructor's certificate by paying the annual renewal fee as prescribed in this act. All future instructors shall be subject to all provisions of this act relating to instructors or assistant instructors.

"(c) All state operated barber colleges shall be exempt from fees.

"Section 6. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January each year renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year. The holder of the expired certificate or license may have within three (3) years of the date of expiration the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

"Section 7. Any person, firm or corporation that engages in any of the practices designated to be within the meaning of this act, or acts without a certificate or license in any capacity wherein a certificate or license is required as provided in this act, or shall in any other manner violate any of the provisions of this act shall be guilty of a Class B misdemeanor and shall be punished as provided by law. After official notice of such violation, each day of operation or practice constitutes a separate violation.

"Section 8. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

"(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

"(2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;

"(3) for an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$30.00;

"(4) for the issuance of the initial certificate to operate a barber college, not to exceed \$300.00;

"(5) for annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$30.00;

"(6) for each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

"(7) for the restoration of an expired certificate except for a barber college, not to exceed \$15.00;

"(8) for the restoration of an expired certificate for a barber college, not to exceed \$75.00;

"(9) for annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop and annual barber certificate \$20.00; and

"(10) for issuance of any duplicate certificate, \$3.00.

"Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

"Section 9. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the executive officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the chief examiner of public accounts of the state of Alabama.

"Section 10. The provisions of this act and the rules and regulations established by the board under this act shall apply throughout the state. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation or barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts or ordinances shall remain in their entirety in full force and effect. Provided, however, that all other laws or parts of such laws in conflict with this act are hereby repealed.

"Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 5. All laws or parts of law in conflict herewith are repealed, and Sections 34-5-1 through 34-5-16, inclusive, are hereby expressly repealed and superseded.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 105. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 372. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

By Mr. Bailey:

S. 371. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

By Mr. St. John:

S. 397. To amend Section 27-29-1, Code of Alabama, 1975 to provide that "control" of an Alabama insurer shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of such insurer and to provide that for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Reed and Ray:

H. 473. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and authority of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain county jail facilities and other county buildings; validating certain provisions of Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and providing for the state revenue department to collect certain county industrial taxes.

The above Bill was read a second time at length as required by the Constitution.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 298. To prohibit and provide penalties for criminal provocation.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 394. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Goodwin (With Substitute):

S. 373. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, and to specifically repeal Section 22-30-21 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water and to bring certain exempted transporters under the act by the repeal of Section 22-30-21, Code of Alabama 1975; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. Little and Higginbotham (With Substitute) (With Amendment):

S. 245. To prohibit any municipality from annexing by condemnation or other process any waterworks system or any part thereof operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the unanimous agreement of the members of said corporation or association.

By Mr. Parsons:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

By Mr. Higginbotham:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

MOTION IN WRITING

Mr. Lemaster offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 369, on page 81 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 369, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 261

The Senate proceeded to further consideration of the Bill, S. B. 261 and pending substitute.

Mr. Bailey moved that said substitute be laid on the table, which motion was lost.

And said substitute was then adopted.

Yeas 17; Nays 3.

Yeas:

Messrs.:	Hall	Miller	Taylor	
Cook	Harrison	Parsons	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Martin			—17

Nays: Messrs.: Bailey, Higginbotham and Smith. —3

And said Bill, S. B. 261, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Holmes	Parsons	Taylor	
Cook	Lemaster	Proctor	Vacca	
deGraffenried	Martin	Robertson	White	—19

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 140. BE IT RESOLVED BY THE SENATE in accordance with Act 81-61 the following bill in order named shall be the special, paramount and continuing order of business upon completing order of business under provisions of S. R. 94:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 112	88	Bd. of heating, air conditioning, roofing & sheet metal contractors, term.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, which was the Bill:

S. 112. To terminate the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and to transfer all surplus fees, funds, or monies to the State General Fund, and to transfer all equipment and property to the Division of Services of the State Finance Department and to repeal Sections 34-31-1 through 34-31-11, Code of Alabama 1975.

The Committee of the Whole reported the following substitute for the Bill, S. B. 112, to-wit:

SUBSTITUTE FOR S. B. 112

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-11 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-31-1, 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-31-1 through 34-31-11, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, created and

functioning pursuant to Sections 34-31-1 through 34-31-11 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-31-1, 34-31-12 and 34-31-13 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-31-1.

"For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them:

"(1) **REGULATED CONTRACTOR.** Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the design of heating and air conditioning systems or the installation of heating or air conditioning equipment, roofing or sheet metal material; provided, that nothing in this chapter shall apply to retail sellers of air conditioning, heating or roofing systems who do not install said systems themselves, employees of licensed general contractors or contractors involved in the installation of residential and commercial roofing and related sheet metal materials; nor shall this chapter apply to any individual employee who is engaged in, or whose partnership, corporation or association is engaged in, the repair of any such systems or materials.

"(2) **BOARD.** The state board of heating, air conditioning, roofing and sheet metal contractors."

"§ 34-31-12.

"All regulated contractors in this state desiring to qualify in accordance with the provisions of this chapter shall be required to stand for an examination before the board. Any applicant failing to pass his first examination for a certificate shall be entitled to take any subsequent examination held within six months from the date of his first examination without payment of any additional fee. Any person regularly engaged in a vocation termed a regulated contractor or regularly employed by a regulated contractor on May 4, 1978, shall be exempted, as provided in this chapter, from the necessity of standing for examination, and shall be certified upon payment of the certification fee and posting of such bond as the board may require; provided further, however, that the exemption from standing for examination shall terminate five years following the passage and approval of this 1982 amendatory act, and thereafter such persons shall be required to stand for the exam and pass the same."

"§ 34-31-13.

"Examinations shall be made up by the board in such manner as to test the technical knowledge, skill and efficiency of the applicants, however, applicants shall not be tested with regard to any aspect of their knowledge, skill or efficiency of general or specific business matters. Examinations shall be held at such time and place as may be fixed by the board at least quarterly. Written notice of the time and place of examinations shall be mailed to all persons who have filed current applications for the examinations with the board."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

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Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. White offered the following amendment to the substitute for the Bill, S. B. 112, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 112

Amend Substitute for S. B. 112 Page 3 Line 23, by striking out after the word "require" the remaining of the paragraph thru line 28.

Which was adopted.

Yeas 14; Nays 1.

Yeas:

Messrs.:	Gulledge	McDonald	Taylor	
Bailey	Holmes	Miller	Vacca	
Cook	Keener	Proctor	White	
Denton	Lemaster	Robertson		—14

Nay: Mr. Smith. —1

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Cook	Hall	Miller	Taylor	
deGraffenried	Holmes	Proctor	Vacca	
Denton	Keener	Robertson	White	—15

Nays: —0

On motion of Mr. White, further consideration of the Bill, S. B. 112, as amended by the substitute, as amended, was postponed temporarily.

The Bill:

S. 328. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided such tax is approved by a majority of the qualified electors of the county who vote thereon.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Cook	Keener	Parsons	Teague	
Denton	Kirkland	Pearson	Weeks	
Glass	Lemaster			—25

Nays: —0

The Bill:

S. 359. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Hilliard	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Glass	Little			—25

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 138. COMMENDING MR. RAY P. SMITH UPON HIS RETIREMENT AS DIVISION MATERIALS ENGINEER WITH THE ALABAMA STATE HIGHWAY DEPARTMENT.

Also:

S. J. R. 139. HONORING FORMER ALABAMIAN, MAJOR GENERAL ARTHUR E. BROWN, JR.

Also:

S. J. R. 137. NOTING THE RETIREMENT OF MR. JACK W. SMITH FOLLOWING A CAREER IN STATE SERVICE OF MORE THAN 42 YEARS.

On motion of Mr. McDonald, said Resolutions were then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 55. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 16; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Barron	Hall	McDonald	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Parsons	White
Goodwin			—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 73. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Gulledge	Holmes	Parsons
Barron	Hall	Lemaster	Robertson
deGraffenried	Harrison	Martin	Taylor
Denton	Higginbotham	Miller	White
Goodwin			—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTION

Messrs. Britnell, Bailey, Barron, Callahan, Cook, deGraffenried, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 141. MOURNING THE DEATH OF MRS. LILLIE MAE DENTON, MOTHER OF SENATOR BOBBY DENTON.

WHEREAS, We note with deep regret the death on February 20, 1982, of Mrs. Lillie Mae Denton, a lifelong resident of Colbert County and the mother of our colleague, Bobby Denton; and

WHEREAS, Mrs. Denton, who was born on March 28, 1904, was one of the most distinguished citizens in her community, and was greatly loved and respected by her multitude of friends; and

WHEREAS, She was most active in her church, Cherokee Baptist Church, from which her funeral was held yesterday; and

WHEREAS, Mrs. Denton is survived by her husband, Dewey Denton, three daughters, Mrs. Vera Lair, Mrs. Dorothy Denton, and Mrs. Cala Warhurst, and three sons, Bobby, Johnny, and James "Buddy"; she is also survived by five sisters, a brother, thirteen grandchildren, and five great-grandchildren; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do profoundly mourn the passing of this great lady, who lived a full, Christian life, and who will be remembered with love and admiration; though we grieve, we also give thanks for what she meant in the lives of her family and many friends.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to her husband, Dewey Denton, and her son and our friend, Senator Bobby Denton.

On motion of Mr. Britnell, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in and grant tenure to certain professional personnel of the Department of Youth Services under the teacher tenure law; to provide for an employment procedure for new professional personnel and other staff personnel; to provide for a salary schedule for all educational personnel of the Department of Youth Services; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in *pari materia* with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

was taken up.

Mr. Bailey requested and received unanimous consent to offer the following amendment to the Bill, S. B. 96, to-wit:

AMENDMENT TO S. B. 96

In the title on page 1, on line 28, delete the words "to grand-" and delete lines 29 through 33 in their entirety and on line 34, delete the words "the Department of Youth Services;" and insert in lieu thereof the following: "to grandfather in the teaching employees of the Department of Youth Services who have been employed by the Department for at least six months and have been granted tenure as of the date that this Act becomes effective; to provide non-teaching personnel coverage under state merit system; to provide for an employment procedure for new personnel to be hired after this Act is in effect; to provide for a salary schedule for all personnel of the Department; to

provide for the continuation of leave days and other benefits available prior to the effective date of this Act;”

In Section 5, on page 3, on line 15, delete the words “all professional staff employed under the state merit” and delete lines 16 through 24 in their entirety and on line 25, delete the words “the re-employment for the fourth year.” and insert the following: “all personnel who have been employed by the Department of Youth Services for at least six months shall remain in their respective jobs and shall be considered to meet all requirements of the Department in terms of training and experience; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. The employment of any new teaching personnel after the effective date of this Act shall be on a probationary or non-tenured status with the expectation of attaining tenure under the State’s Tenure Law after three consecutive years of service and re-employment for the fourth year. The employment of non-teaching personnel after the effective date of this Act shall continue to be under the provisions and protection of the State Merit System.”

In Section 6, on page 3, on line 31, delete the words “The Superintendent shall assist the” and delete lines 32 through 34 in their entirety and on line 35, delete the words “becoming effective.” and insert the following: “The Youth Services Director shall work with the Superintendent and representatives from the teaching staff on each of the three campuses to develop a salary schedule for teachers. In placing teachers, granted tenure in Section 5 of this Act, on the resulting salary schedule, no teacher shall be placed at a salary level lower than that held when this Act becomes effective. In addition to developing this salary schedule, the Director and Superintendent shall work with the teacher representatives to arrange replacement of all leaves and benefits previously enjoyed by the teachers of the Department under the State Merit System. For purposes of obtaining hospital/medical benefits, and life insurance teaching personnel shall remain under the State Employees’ hospital/medical life insurance plans until such time as statewide hospital/medical and life insurance plans are developed for all state teachers.”

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Miller	Taylor
Britnell	Higginbotham	Parsons	White
deGraffenried			—16

Nays: —0

And said Bill, S. B. 96, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Miller	Vacca
Britnell	Higginbotham	Parsons	White
deGraffenried			—16

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

was taken up.

On motion of Mr. Parsons, further consideration of the Bill, S. B. 145, was postponed temporarily.

The Bill:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

was taken up.

On motion of Mr. Parsons, further consideration of the Bill, S. B. 170, was postponed temporarily.

The Bill:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Parsons
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	McDonald	Taylor
deGraffenried	Higginbotham	Miller	White

—15

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Denton	Higginbotham	Miller
Barron	Goodwin	Lemaster	Parsons
Britnell	Gulledge	Martin	Smith
deGraffenried	Hall	McDonald	Taylor

—15

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 245. To prohibit any municipality from annexing by condemnation or other process any waterworks system or any part thereof operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the unanimous agreement of the members of said corporation or association.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 245, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 245

A BILL
TO BE ENTITLED
AN ACT

To prohibit any municipality from acquiring any waterworks system, or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the consent of a majority of the members of the governing board of said corporation or association.

Be It Enacted by the Legislature of Alabama:

Section 1. Municipalities are hereby prohibited from acquiring any waterworks system, or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Code of Alabama 1975, without the consent of a majority of the members of the governing board of said corporation or association.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the substitute for the Bill, S. B. 245, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 245

Amend Substitute to Senate Bill 245, page 1, line 9, by inserting after the

numeral "10-4-194," the following words and numerals: "Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19,"

Further amend Substitute to Senate Bill 245, page 1, line 21, by adding the following after the numeral "10-4-194": "Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19"

Further amend the Substitute to Senate Bill 245, page 1, line 28, by adding the following after the numeral "10-4-194": "Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19"

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Glass	Higginbotham	Smith	
Bailey	Goodwin	Lemaster	Vacca	
Barron	Gulledge	Miller	White	
Britnell	Hall	Parsons		—14

Nays: —0

And said Bill, S. B. 245, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith	
Bailey	Gulledge	Lemaster	Vacca	
Cook	Hall	Parsons	White	
Glass	Higginbotham	Robertson		—14

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Mr. White requested and received permission to suspend the Rules in order to bring up the Bill:

S. 140. To further amend Section 6-5-333 of the Code of Alabama 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 140, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 140

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 6-5-333 of the Code of Alabama, 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors and physicians.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-333 of the Code of Alabama, 1975, as amended, is hereby amended further to read as follows:

"6-5-333.

(a) Any dentist, chiropractor, or physician licensed to practice medicine in Alabama who serves on a peer review or a utilization and quality control committee or professional standards review committee or a similar committee or a committee of similar purpose or any dentist, physician, chiropractor or individual who serves as a consultant or employee to one of said committees established either by a dental society or dental association or by a chiropractic society or chiropractic association or by a state medical association or county medical society to review any aspect of dental care, chiropractic care or medical care at the request of a government agency, a patient, dentist, provider of dental benefits, chiropractor, provider of chiropractic benefits, physician licensed to practice medicine in Alabama, or third party insurer shall not be liable to any person for damages as a result of any action taken or recommendation made by him within the scope of his function as a member of or employee or consultant to such review committee if such action was taken or recommendation made without malice and in a reasonable belief that such action or recommendation is warranted by the facts made known to him. No dental association or dental society, chiropractic association or chiropractic society or state medical association or county medical society shall be liable for damages for any action taken or recommendation made by a review committee or any member of said committee or consultants or employees to said committee.

(b) Within the words and meaning of this section, a 'committee' shall mean members of a committee of dentists, chiropractors, or physicians licensed to practice medicine in Alabama formed or appointed to evaluate the diagnosis or the performance of services of other dentists or dental auxiliary personnel, chiropractors or chiropractic auxiliary personnel or physicians licensed to practice medicine in Alabama or physician auxiliary personnel when such evaluation is requested by a government agency, by the fiscal intermediary responsible for the administration of group health care programs, by the recipient of dental, chiropractic or medical services, or by a dentist, chiropractor or physician licensed to practice medicine in Alabama.

(c) The provider or recipient of dental services evaluated by a review committee described in subsections (a) and (b) of this section shall have the right to appeal the decisions of said review committee to the Alabama Dental Association. No provider of dental care services or recipient of same or fiscal intermediary or government agency shall be bound by a ruling of a review committee established pursuant to this section on a controversy, dispute or question unless he agrees in advance either specifically or generally to be bound by the ruling.

(d) All information, interviews, reports, statements or memoranda furnished to any committee as defined in this section, and any findings, conclusions or recommendations resulting from the proceedings of such committee are declared to be privileged. The records and proceedings of any such committees shall be confidential and shall be used by such committee and the members thereof only in the exercise of the proper functions of the committee and shall not be public records nor be available for court subpoena or for discovery proceedings. Nothing contained herein shall apply to records made in the regular course of business by a hospital, dentist, dental auxiliary personnel, chiropractor, chiropractic auxiliary personnel, physician, physician auxiliary personnel or other provider of health care and information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented during proceedings of such committee."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Parsons	
Bailey	Gulledge	Little	Smith	
Britnell	Hall	Martin	Vacca	
Denton	Harrison	Miller	White	
Glass	Higginbotham			—17

Nays: —0

And said Bill, S. B. 140, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Smith	
Bailey	Hall	Little	Taylor	
Britnell	Harrison	Martin	Vacca	
Denton	Higginbotham	Miller	White	
Glass	Hilliard	Parsons		—18

Nays: —0

On motion of Mr. Holmes, his name was added as co-sponsor of the above Bill, S. B. 140.

Mr. Goodwin requested and received permission to suspend the Rules in order to bring up the Bill:

S. 198. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 198, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 198

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education, except in Walker and Blount Counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-10-1. Qualifications and selection of trustees. The county boards of education shall may, except Walker and Blount Counties which shall, appoint for every school in the county, from a list of six discreet, competent and reliable persons of mature years nominated by the patrons of the said schools, which list shall be kept on file by the board, three persons residing near the schoolhouse and having the respect and confidence of the community to serve for a term of four years as trustees of the school, to care for the property, to look after the general interest of the school and to make to the county board of education, through the county superintendent of education, from time to time, report of the progress and needs of the school and of the will of the people in regard to the school. The board of education, should it decide to appoint school trustees, shall fill all vacancies occurring in the office of trustee for the unexpired term from the list of nominees on file until the names on such list are exhausted. The term 'patrons' as used herein shall be construed to mean the parents and guardians of children in attendance at the school."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Britnell	Higginbotham	Miller	Weeks
Denton	Holmes	Parsons	White
Goodwin	Lemaster		

—17

Nay: Mr. Robertson. —1

On motion of Mr. Goodwin, further consideration of the Bill, S. B. 198, was postponed temporarily.

The Bill:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 1.

Yeas:

Messrs.:	Holmes	Miller	St. John	
Cook	Little	Parsons	Smith	
Gulledge	Martin	Proctor	Vacca	
Harrison	McDonald	Robertson	White	
Higginbotham				—16

<i>Nay:</i> Mr. Hall.	—1
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson	
Barron	Higginbotham	McDonald	Smith	
Cook	Holmes	Miller	Weeks	
Goodwin	Lemaster	Parsons	White	
Gulledge	Little	Proctor		—18

<i>Nays:</i>	—0
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FURTHER CONSIDERATION OF S. B. 145

The Senate proceeded to further consideration of the Bill, S. B. 145.

And said Bill, S. B. 145, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Parsons	
Britnell	Goodwin	Little	Proctor	
Cook	Gulledge	Martin	Smith	
deGraffenried	Higginbotham	Miller	White	
Denton	Holmes			—17

<i>Nays:</i>	—0
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

FURTHER CONSIDERATION OF S. B. 170

The Senate then proceeded to further consideration of the Bill, S. B. 170.

And said Bill, S. B. 170, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith
Bailey	Gulledge	Miller	Taylor
Britnell	Holmes	Proctor	Vacca
Cook	Lemaster	Robertson	Weeks
deGraffenried	Little	St. John	White
Denton	Martin		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

Mr. Martin requested and received permission to suspend the Rules and bring up the Bill:

S. 31. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

And said Bill, S. B. 31, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Britnell	Higginbotham	Miller	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Lemaster	St. John	White

—19

Nays: —0

Mr. Cook requested and received permission to suspend the Rules and bring up the Bill:

S. 189. Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

And said Bill, S. B. 189, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 4.

Yeas:

Messrs.:	Glass	Holmes	Teague	
Cook	Goodwin	Lemaster	Vacca	
deGraffenried	Gulledge	McDonald	White	
Denton	Hall			—13

Nays: Messrs.: Bailey, Higginbotham, McDonald and Miller. —4

The President and Presiding Officer of the Senate declared a quorum present but not voting.

FURTHER CONSIDERATION OF S. B. 112

The Senate proceeded to further consideration of the Bill, S. B. 112, as amended by the substitute, as amended.

Mr. Bailey offered the following amendment to the Bill, S. B. 112, as amended by the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 112, AS AMENDED

In the title, page 1, delete lines 26 through 33, and insert in lieu thereof the following:

Sections 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

In Section 4, page 2, line 21, delete the Code number "34-31-1" and the comma which follows it.

Also in Section 4, page 2, delete lines 24 through 37 completely and on page 3, delete completely lines 5 through 9.

On motion of Mr. White, said amendment was laid on the table.

Mr. Bailey then offered the following amendment to the Bill, S. B. 112, as amended by the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 112, AS AMENDED

In the title, page 1, delete lines 26 through 33, and insert in lieu thereof the following: Sections 34-31-1 and 34-31-12, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; and to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act.

In Section 4, page 2, delete line 21, and insert in lieu thereof the following line 21:

Section 4. Sections 34-31-1 and 34-31-12

Also in Section 4, page 3, delete entirely lines 29 through 37 of page 3, and delete entirely lines 5 and 6 of page 4.

On motion of Mr. White, said amendment was laid on the table.

And said Bill, S. B. 112, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

Abstaining 1.

Yeas:

Messrs.:	Glass	Holmes	St. John	
Britnell	Goodwin	Little	Smith	
Cook	Gulledge	Miller	Taylor	
deGraffenried	Hall	Proctor	Weeks	
Denton	Higginbotham	Robertson	White	
				—19

Nays: Messrs.: Bailey, Harrison and Martin. —3

Abstaining: Mr. Lemaster. —1

FURTHER CONSIDERATION OF S. B. 135

The Senate proceeded to further consideration of the Bill, S. B. 135.

Mr. Hilliard offered the following substitute for the Bill, S. B. 135, to-wit:

SUBSTITUTE FOR S. B. 135

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Pardons and Paroles, and voted to recommend the continuance of the board created and functioning pursuant to Sections 15-22-20 through 15-22-40, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Pardons and Paroles, created and functioning pursuant to Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975 are hereby continued.

Section 4. Section 15-22-24 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 15-22-24.

"(a) The board of pardons and paroles, hereinafter referred to as 'the board,' shall be charged with the duty of determining what prisoners serving sentences in the jails and prisons of the state of Alabama may be released on parole and when and under what conditions. Such board shall also be charged with the duty of supervising all prisoners released on parole from the jails or prisons of the state and of lending its assistance to the courts in the supervision of all prisoners placed on probation by courts exercising criminal jurisdiction and making such investigations as may be necessary in connection therewith, of determining whether violation of parole or probation conditions exist in specific cases, deciding, in the case of parolees, what action should be taken with reference thereto, causing, in the case of probationers, reports of such investigations to be made to the judges of the courts having jurisdiction of the probationers and of aiding parolees and probationers to secure employment. It shall also be the duty of the board to personally study the prisoners confined in the jails and prisons of the state so as to determine their ultimate fitness to be paroled.

"(b) Between October 1 and December 31 of each year, the board shall make a full report of its activities and functions during the preceding year, and such report shall be prepared in quadruplicate, with one copy thereof lodged with the governor, one filed in the office of the secretary of state, one filed in the office of the department of archives and history, and one copy retained in the permanent records of the board.

"(c) The board may accept grants, devices, bequeaths or gifts and make expenditures therefrom for the operations of the board and not individually as board members.

"(d) The board shall have the power and authority to enter contracts to accomplish the objectives of the board.

"(e) The board may adopt policy and procedural guidelines for establishing parole consideration eligibility dockets based on its evaluation of a prisoner's prior record, nature and severity of the present offense, potential for future violence, and community attitude toward the offender.

"(f) Any person who, at the time of his retirement, is employed by the board of pardons and paroles as a probation and parole officer, shall receive as part of his retirement benefits, without cost to him, his badge, and pistol.

"(g) The board is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the board to expend state monies not to exceed \$250 per year for awarding recognition incentive awards for outstanding employees.

"(h) No state official shall appear or otherwise represent an applicant before the board for any consideration or thing of value unless said official was counsel of record for the applicant during a trial or hearing in the regular judicial process that led to said applicant's present status; however, no state official shall be prohibited from appearing without consideration before the board or board panel on behalf of an applicant.

"(i) The board shall have the power, authority, and jurisdiction to conditionally transfer a prisoner to the authorities of the federal government or any other jurisdiction entitled to his custody to answer pending charges or begin serving a sentence in response to a properly filed detainer from the other jurisdiction. Such conditionally transferred prisoner shall remain in the legal custody of the warden of the institution from which he was transferred. Should any such conditionally transferred prisoner satisfy all detainers against him prior to completion of his Alabama sentence, said prisoner shall not be released from custody without further order of the board of pardons and paroles.

"(j) The board and its agents shall have the power and authority to administer oaths and affirmation, examine witnesses and receive evidence on all matters to be considered by the board."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. St. John, and pending S. B. 135, the Senate adjourned until Thursday, February 25, 1982, at 10:30 A.M.

FOURTEENTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 25, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Jerry Haley, Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Robertson	
Glass	Lemaster		

—32

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Figures, Goodwin, and Proctor for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Coburn:

H. J. R. 153. COMMENDING REPRESENTATIVE BOB GAF-FORD FOR HIS OUTSTANDING ABILITY AS A PARLIAMENTARIAN AND FOR HIS ABILITY TO RECOGNIZE AND HELP SOLVE COMPLEX CONSTITUTIONAL QUESTIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 153, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Manley:

H. J. R. 152. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, February 25, 1982, we adjourn to meet again on Tuesday, March 2; when we adjourn on Tuesday, March 2, we adjourn to meet again on Thursday, March 4; when we adjourn on Thursday, March 4, we adjourn to meet again on Monday, March 15; when we adjourn on Monday, March 15, we adjourn to meet again on Tuesday, March 16; and when we adjourn on Tuesday, March 16, we adjourn to meet again on Thursday, March 18, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 152, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Little and Higginbotham offered the following Senate Resolutions, to-wit:

S. R. 142. CONGRATULATING MR. AND MRS. J. H. WADE ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

S. R. 143. MOURNING THE DEATH OF FORMER PROBATE JUDGE JOSEPH VERNON CHAMBERS OF LAFAYETTE, ALABAMA.

Which were adopted.

BILLS ON THIRD READING

The Bill:

H. 473. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and authority of the Bullock

County Development Authority; authorizing said authority to develop, manage and maintain county jail facilities and other county buildings; validating certain provisions of Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and providing for the state revenue department to collect certain county industrial taxes.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Pearson	
Bailey	Hall	Martin	St. John	
Barron	Hilliard	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Teague	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 79. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Pearson	
Bailey	Hall	Martin	Smith	
Barron	Hilliard	McDonald	Taylor	
Britnell	Holmes	Miller	Teague	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	White	
Denton	Lemaster			—25

Nays: —0

REPORTS FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 85. CONGRATULATING MISS LINDA ZOGHBY OF MOBILE, ALABAMA ON HER DEBUT PERFORMANCE WITH THE NEW YORK METROPOLITAN OPERA.

On motion of Mr. Callahan, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Lester D. Abston to the rank of Brigadier General.

On motion of Mr. McDonald, the appointment of Colonel Abston was confirmed by the Senate.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Higginbotham	Mitchem	Taylor	
Denton	Lemaster	St. John	Teague	
Glass	Little	Smith	White	
Hall	Miller			—13

Nays: —0

The President and Presiding officer of the Senate declared a quorum present but not voting.

Mr. McDonald, Chairman of the Standing Committee on rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Scott Langley and Mr. Kelley Sistrunk to the State Forestry Commission.

On motion of Mr. McDonald, the appointment of Mr. Langley was confirmed by the Senate.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	Smith	
Bailey	Holmes	Miller	Taylor	
Callahan	Kirkland	Mitchem	Teague	
Denton	Lemaster	Robertson	Weeks	
Glass				—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

On motion of Mr. McDonald, the appointment of Mr. Sistrunk was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Glass	Harrison
Bailey	Denton	Hall	Higginbotham

Holmes
Keener
LemasterLittle
McDonald
MillerMitchem
Robertson
SmithTaylor
Weeks
White

—19

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 90. MEMORIALIZING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT.

On motion of Mr. deGraffenried, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Bailey, Miller, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 144. DESIGNATING THE WEEK OF MARCH 15 THROUGH MARCH 19 AS GIFTED CHILDRENS' WEEK.

WHEREAS, there exists in the public school systems, a gifted childrens' program; and

WHEREAS, this program provides gifted children an opportunity to explore educational activities which are not normally a part of the educational curriculum; and

WHEREAS, this program challenges those young minds in such a way as to develop the future leaders of Alabama in science, religion, government, arts, and all the endeavors of human achievement; and

WHEREAS, it is desirable to encourage support of the gifted childrens' program by business, citizens, and public officials; Now

THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, that the week of March 15 through March 19 be designated Gifted Children's Week.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Resolution, to-wit:

S. J. R. 145. CREATING THE LEGISLATIVE JOINT INTERIM TENURE OF EMPLOYMENT OF EDUCATIONAL PERSONNEL STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING. That there is hereby created a legislative joint interim committee to study the tenure of employment of educational personnel. Said committee shall be composed of three members

of the Senate Education Committee and its chairman and three members of the House of Representatives Education Committee and its chairman to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Review Chapter 24 of Title XVI of the Code of Alabama, 1975, as amended, in relation to the tenure of employment of teachers.
2. Review 14th Amendment of the U. S. Constitution, in relation to the guarantee of due process in employment practices.
3. Review Title VII of the Civil Rights Acts, 1964, in relation to the guarantee of civil rights in employment practices.
4. Review Title IX of the U. S. Code, in relation to employment practices.

Upon request of the chairman, the secretary of the Senate and the clerk of the House shall provide clerical assistance as may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the legislature during the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$7,500.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 146. MOURNING THE DEATH OF MRS. WILLELLA WATSON EVANS OF MONTGOMERY, ALABAMA.

Which was adopted.

MOTION IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 288, on page 41 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 288, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 147. INSTRUCTING THE REVENUE DEPARTMENT REGARDING THE CLASSIFICATION OF RESIDENTIAL PROPERTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Revenue Department is ordered to classify private residential homes not classified as Class III residential property at the beginning of a tax year as residential property for the full tax year if said property meets the Class III property requirements for any portion of said tax year.

The Revenue Department is ordered to return all taxes collected from residential property owners whose property meet the requirements of this resolution.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Taylor, Robertson and Little:

S. 410. To provide that the State Personnel Board, with the approval of the Governor, may provide that the State shall pick-up member contributions to the Employees' Retirement System of Alabama and that such contributions shall be treated as employer contributions for federal income tax purposes but shall continue to be treated as before for all other state law purposes.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 411. To amend Section 27-7-5 of the Code of Alabama 1975, as amended, relating to insurance licensing qualifications and procedures, so as to exempt certain applicants for fidelity and surety licenses to be used exclusively for and expressly limited to bail bonds underwritten by fidelity and surety companies from certain examination requirements of said section and to provide that this act shall become effective on July 15, 1982.

Committee on Banking and Insurance.

By Mr. Cook:

S. 412. To adopt and incorporate into the Code of Alabama 1975 certain provisions appearing in Chapter 9A of Title 52 of the Code of Alabama Recompiled 1958, relating to the organization of independent school districts, which were omitted from the manuscript of the Code of Alabama 1975 adopted by the Codification Act of 1977.

Committee on Education.

By Mr. Harrison:

S. 413. To exempt all churches, temples and other religious organizations from all sales and use taxes levied within this state; to give the department

of revenue the power to prescribe rules and regulations to carry out the provisions of this act.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 414. To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

Committee on Finance and Taxation.

By Mr. Teague (By Request):

S. 415. To be known as the "Alabama Hospital Care Services Price Discrimination Act of 1982"; to make legislative findings regarding competition in the pricing of hospital services; to provide for definitions of words and phrases for the purposes of this Act; to provide for equitable pricing of hospital services; to provide that certain unjustifiable discounts in the pricing of hospital services shall be illegal; to provide for legal remedies for violation of the provisions of this Act; and to amend Section 10-4-115, Code of Alabama, 1975, which relates to the applicability of insurance laws to Title 10, Chapter 4, Article 6, Code of Alabama, 1975, so as to provide that the provisions of this Act shall apply to such article.

Committee on Banking and Insurance.

By Mr. Harrison:

S. 416. To provide further for the annual salary of the governor, the secretary of state, and the state auditor; and to provide for such sums to commence with the next term of office.

Committee on Governmental Affairs.

By Mr. Mitchem (with notice and proof):

S. 417. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 417 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. White and Callahan:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the

Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 419. To amend Sections 12-12-4 and 12-14-10 of the Code of Alabama 1975, relating to the powers of district and municipal courts to dispose of cases within their jurisdiction, so as to provide that such courts may not enter an order authorizing the defendant to drive.

Committee on Judiciary.

By Mr. Smith:

S. 420. To amend Sections 32-5A-191 and 32-6-19 of the Code of Alabama 1975, relating to the driving of motor vehicles, so as to prescribe additional penalties for physical injuries caused to another person while driving under the influence of alcohol or controlled substances and to any person who drives a motor vehicle while his driver's license is cancelled, suspended or revoked.

Committee on Judiciary.

By Mr. Teague:

S. 421. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

Committee on Commerce, Transportation,
and Utilities.

REPORTS OF COMMITTEES

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute) (With Amendment):

S. 195. To provide for fair dismissal procedures for non-teachers and non-certified employees in the public educational institutions and facilities in the state who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to ensure procedural and substantive due process of law for dismissals for just cause before an impartial tribunal after the employee completed the probationary period of employment and thereafter gains permanent status; to provide for the appointment of a board of hearing examiners and their compensation; and to define the duties, authority, and jurisdiction of a hearing examiner when he or she hears disputes in contract cancellations; and to provide for judicial review of the decisions of the hearing examiner.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 242. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

By Messrs. Goodwin, Little, Taylor and White:

S. 344. To amend Section 32-6-7, Code of Alabama 1975, relating to persons ineligible for the issuance of driver's license for motor vehicles, so as to provide further therefor.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 259. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

By Mr. Bailey:

S. 370. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendment):

S. 374. To create the Alabama Educational Television Foundation authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 395. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries in the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 396. To authorize Sheriffs of the several counties of the State of Alabama to employ investigators to determine certain qualifications of a person before issuing a pistol license and to establish methods of compensation.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Holmes:

S. 386. To amend subsection (a) of Section 40-9-12 of the Code of Alabama 1975 in order to exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a nonprofit corporation, and all real and personal property of said Board of Trustees or said nonprofit corporation and to provide that no action or proceeding for the collection or enforcement of any such tax, license, fee or charge may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Substitute):

S. 313. To amend § 8-8-7 of the Code of Alabama 1975 in order to exempt from all laws governing usury any bonds, notes, warrants other

evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof or by any not-for-profit public or private corporation at any time created for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 408. To transfer certain funds to the state parks division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

By Mr. Barron:

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

By Messrs. St. John and Britnell:

S. 382. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

By Mr. Pearson:

S. 378. To amend Section 41-16-50, Code of Alabama 1975, relating to contracts for which competitive bidding is required and the manner therefor, so as to provide further therefor, and to provide for contracts where payment or income is guaranteed.

By Mr. Proctor:

S. 76. To create the Alabama Board of Public Health Scholarship Awards and to provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and merit scholarship program for the study of public health.

By Messrs. Teague and deGraffenried:

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

By Mr. Proctor:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

By Messrs. Little and Higginbotham:

S. 308. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for exemptions from the Utility Gross Receipts Tax, so as to exempt the Loachapoka Water, Sewer and Fire Protection Authority, Inc., from said tax.

By Messrs. White, Teague, Parsons, Miller, Goodwin, Callahan and St. John:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (By Request) (With Substitute) (With Amendments):

S. 176. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Messrs. Barron, Higginbotham, Harrison, White, Holmes, Parsons and Taylor:

S. 302. To propose a constitutional amendment amending subsection 6.09 (d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. deGraffenried:

S. 238. To Amend Sections 2, 7, 8, 23, 48, 62, 73, 93, 104, 106, 114, 121, 134, 139, 162, 163, 169, 186 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act".

By Messrs. Keener and deGraffenried:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

By Mr. Denton:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

By Mr. Gulledge:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

By Messrs. Keener and deGraffenried:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

BILLS ON THIRD READING RESUMED

The Bill:

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapists as provided in sections

34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-211, 34-24-214, 34-24-216, and 34-24-217, so as to: provide a definition of "foreign trained physical therapist" and authorizing the board to grant a license to such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by the other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewals; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; and to change the name of "physical therapy assistant" to "physical therapist assistant"; and to allow such assistants to practice under direction of a licensed physician.

was again taken up.

Mr. Callahan offered the following substitute for the Bill, S. B. 130, to-wit;

SUBSTITUTE FOR S. B. 130

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 so as to define "foreign trained physical therapist" and license such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; to change the name of "physical therapy assistant" to "physical therapist assistant"; to remove the board from being a "collection agency" and grant the board the authority to approve examinations.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Physical Therapy, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-24-190 through 34-24-217, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to sections 34-24-190 through 34-24-217 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-24-191.

"(a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed by this section:

"(1) **PHYSICAL THERAPY.** The treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of neuromuscular-skeletal tests and measurements to determine the existence and extent of body malfunction; provided, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery and a dentist licensed to practice dentistry and shall not include radiology or electrosurgery.

"(2) **PHYSICAL THERAPIST.** A person who practices physical therapy.

"(3) **PHYSIOTHERAPIST.** Synonymous with the term 'physical therapist,' and said term shall be used to identify only those persons registered under this article. The physical therapist may use the letters 'P.T.' or 'R.P.T.' in connection with his name or place of business to denote his registration hereunder.

"(4) **PHYSICAL THERAPY THERAPIST ASSISTANT.** A person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy. The physical therapy therapist assistant shall practice only under the direction of a registered physical therapist.

"(5) **PHYSICAL THERAPY TECHNICIAN.** Synonymous with the term 'physical therapy therapist assistant,' and said term shall be used to identify only those persons licensed under this article. The physical therapy therapist assistant may use the letters 'L.P.T.A.' in connection with his name to denote his being licensed hereunder.

"(6) **BOARD.** The board of physical therapy established by section 34-24-192.

"(7) **FOREIGN TRAINED PHYSICAL THERAPIST.** A person trained or educated in the practice of physical therapy outside of the United States or any of its territorial possessions.

"(b) Words importing the masculine gender shall include the feminine."

"Section 34-24-192.

"(a) Composition; appointment and terms of members. The board of physical therapy shall consist of three members, appointed by the Governor from a list of three persons nominated for each place on such board by the Alabama chapter of the American Physical Therapy Association. The board members shall be appointed for staggered terms of three years each, so that one member's term expires each year. The members of the board serving when this amendment becomes effective shall serve out the terms for which

they were, respectively, appointed. Their successors shall be appointed in the manner hereinabove prescribed.

"(b) Qualifications of members. Each board member shall:

"(1) Be a resident of this state; and

"(2) Have practiced physical therapy within the state of Alabama for the three years preceding his appointment, and.

"(3) Be a member in good standing of the American Physical Therapy Association.

"(c) Vacancies. Any vacancy within a term shall be filled by appointment of the governor from a list of three nominees submitted by the Alabama chapter of the American Physical Therapy Association.

"(d) Officers; compensation and expenses of members. The board shall designate one of its members as chairman, one as secretary and one as treasurer. Members of the board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed for their actual expenses incurred in the performance of their duties. The exact amount of the above-mentioned fee shall be fixed by the board."

"Section 34-24-193.

"It shall be the duty of the board to pass upon the qualifications of applicants for registration as physical therapists and licensing as physical therapy therapist assistants, to conduct examinations, to issue licenses and renewals to physical therapists and physical therapy therapist assistants qualifying under this article and in a proper case to suspend or revoke the registration or license of such persons. The board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties. The board shall maintain a register listing the name of every living physical therapist and physical therapy therapist assistant registered or licensed in this state, his last known place of business and last known place of residence and the date and number of his license. The board shall compile a list of physical therapists and physical therapy therapist assistants registered or licensed to practice in this state, and such list shall be available to any person upon application to the board and the payment of such charge as may be fixed by the board. Subject to the provisions of section 34-24-195, the board shall have the power to make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of this article. (Acts 1965, No. 476, p. 686, §5; Acts 1969, No. 622, p. 1128, § 4.)"

"Section 34-24-194.

"Any person may file a complaint with the board against any registered physical therapist or licensed physical therapy therapist assistant in the state charging said person with having violated the provisions of this article. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his address of records, with a written notice of the time and place of hearing thereof, advising him that he may be present in person and by counsel if he so desires to offer evidence and be heard in his defense.

"At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his defense. The board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly; provided, that all oral testimony considered by the board must be under oath. If the board is convinced that the registered physical therapist or the licensed physical therapy therapist assistant has violated the provisions of this article, it shall immediately revoke his license.

"The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery county by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously or illegally. The review procedure provided herein shall not suspend the action of the board in the revocation or refusal of a license. (Acts 1965, No. 476, p. 686, § 13; Acts 196, No. 622, p. 1128, § 12.)"

"Section 34-24-210.

"(a) Registration required. —No person shall practice nor hold himself out to be able to practice physical therapy in this state unless he is registered in accordance with the provisions of this article.

"(b) License required.—No person shall act nor hold himself out as being able to act as a physical therapy therapist assistant unless he is licensed in accordance with the provisions of this article.

"(c) Other healing arts not affected.—Nothing in this article shall prohibit any person licensed to practice any other of the healing arts in this state under any other law from engaging in the practice for which he is licensed. (Acts 1965, No. 476, p. 686, § 3; Acts 1969, No. 622, p. 1128, § 2.)"

"Section 34-24-211.

"An applicant for registration as a physical therapist or for a license as a physical therapy therapist assistant shall file a written applicant on forms provided by the board together with fee as set by the board, no part of which will be returned. The applicant shall present evidence satisfactory to the board that he is of good moral character and that he has completed a program of physical therapy education appropriate for training a physical therapist or a physical therapy therapist assistant, as the case may be, approved by the board and the American Physical Therapy Association or a nationally recognized accrediting agency."

"Section 34-24-212.

"(a) Generally. —The board shall give an appropriate examination to every applicant who complies with section 34-24-211 and who pays the fee prescribed for the examination. Examinations shall be held within the state at least once each year, at such times and places as the board determines. A practical or demonstration examination may be required at the discretion of the board when an applicant is retaking a written examination after previously having failed such an examination.

"(b) Physical therapist. In the case of an applicant for registration as a physical therapist, the examination given shall be an examination prepared by or under the auspices of the professional examining service of the American Public Health Association, and all charges made by such professional

examining service for the examination shall be included in the fee prescribed. The board is hereby authorized to act as collection agency for such professional examining service and to collect from the applicant for the examination the charge for such examination and to remit such charge to the professional examining service. No moneys so collected from applicants for examinations shall be deemed funds of the board, nor shall the remittances to the professional examining service be deemed expenditures of the board within the provisions of the budget law requiring budgeting, appropriating or allotting thereof prior to their collection and remittance to such professional examining service.

"(b) **Physical Therapist**—The examination given applicants for registration as a physical therapist shall be a written examination, approved by the Board. Such examination shall test the applicants knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures and such other subjects as the Board may deem useful to test the applicants fitness to practice physical therapy. A practical or demonstration examination may be required if so determined by the Board."

"(c) **Physical therapy assistant**. The examination given applicants for licensing as physical therapy assistants shall be a written examination, approved by the board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the board may deem useful to test the applicant's fitness to act as a physical therapy assistant. (Acts 1965, No. 476, p. 686, & 7, Acts 1969, No. 622, p. 1128, & 6.)

"(c) **Physical Therapist Assistant**—The examination given applicants for licensing as physical therapist assistant will be a written examination, approved by the Board. Such examination shall test the applicants knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the Board may deem useful to test the applicants fitness to act as a physical therapist assistant. A practical or demonstration examination may be required if so determined by the Board."

"(d) **FOREIGN TRAINED PHYSICAL THERAPIST**—Any foreign trained physical therapist who plans to practice in the State must have their educational credentials evaluated by a recognized educational evaluation agency and have that agency send their report directly to the Board. The Board will determine the acceptability of equivalency in educational preparation. If the Board rules the education to be acceptable the routine application process will be followed."

"Section 34-24-213.

"The board shall issue a license to each applicant who passes the appropriate examination for registration as a physical therapist or licensing as a physical therapy therapist assistant in accordance with standards fixed by it and who is not disqualified to receive a license under the provisions of section 34-24-217. (Acts 1965, No. 476, P. 686, §8; Acts 1969, No. 622, p. 1128, §7.)"

"Section 34-24-214.

"On payment to the board of a fee set by the board and the submission of a written application on forms provided by the board, the board shall issue a license without examination to:

"(1) A person who is qualified within the meaning of this article as a physical therapist by another state of the United States of America, its

possessions of the District of Columbia, if the requirements for licensing or registration in such state, possession or district were at the date of his licensing or registration by such state substantially equal to the requirement for the initial licensing of persons practicing physical therapy when this article became effective, August 20, 1965, or for licensing by examination prepared by the professional examining service as set forth in the article and any additional requirements prescribed by the board.

"(2) A person who is qualified within the meaning of this article as a physical therapy therapist assistant by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing in such state, possession or district were at the date of his licensing by such state substantially equal to the requirements set forth in this article." or a person filing an application before August 20, 1970, who presents satisfactory evidence to the board that he is of good moral character and that on August 20, 1965, he was, and for the preceding nine years had been, employed in the physical therapy department of a duly licensed general hospital in Alabama, and that he has successfully completed courses at a teaching hospital in anatomy, hospital procedures, ethics and terminology and is adept at administering all forms of modalities in physical therapy.

"Section 34-24-215.

"(a) On payment to the board of a fee set by the board, and on submission of a written application on forms provided by the board, the applicant shall be issued without examination a temporary license to practice physical therapy or to act as a physical therapy therapist assistant in this state for a period not to exceed one year, if said person meets the qualifications set forth in section 34-24-211 and submits evidence satisfactory to the board that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project.

"(b) Upon the submission of a written application on forms provided by the board, a person who has applied for a license under the provisions of section 34-24-211 and who is, in the judgment of the board, eligible to take the examination provided for in section 34-24-212, may be issued a temporary license by the board. Such temporary license shall be available to an applicant only with respect to his first application for a license under section 34-24-211, and such license shall expire when the board makes a determination with respect to said application. (Acts 1965, No. 476, p. 680, §10; Acts 1969, No. 622, p. 1128, §9.)"

"Section 34-24-216.

"All licenses issued by the board to physical therapists and physical therapy therapist assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the board of a fee set by the board. If said fee is not paid by that date, the license shall automatically expire. A license which has thus expired may, within five years of its expiration date, be renewed on the payment to the board of a fee set by the board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the board. After said five-year period, such a license may be renewed obtained only by complying with the provisions hereinabove relating to the issuance of an original license."

"Section 34-24-217.

"The board shall refuse to issue a license to any person and, after notice and hearing in accordance with its regulations and rules, shall suspend or revoke the license of any person who has:

"(1) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or surgery, and a dentist licensed to practice dentistry; or practiced as a physical therapy therapist assistant other than under the direction of a registered physical therapist;

"(2) Used drugs or intoxicating liquors to an extent which affects his professional competency;

"(3) Been convicted of a felony or of a crime involving moral turpitude;

"(4) Obtained or attempted to obtain a license by fraud or deception;

"(5) Been grossly negligent in the practice of physical therapy or in acting as a physical therapy therapist assistant;

"(6) Been adjudged mentally incompetent by a court of competent jurisdiction;

"(7) Been guilty of conduct unbecoming a person registered as a physical therapist or licensed as a physical therapy therapist assistant or of conduct detrimental to the best interest of the public;

"(8) Been convicted of violating any state or federal narcotic law;

"(9) Treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this article;

"(10) Advertised unethically according to standards as set by the American Physical Therapy Association and the board; or

"(11) Failed or refused to obey any lawful order or regulation of the board."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 15; Nays 0.

Yeas;

Messrs.:	Glass	Martin	Robertson
Callahan	Hall	Miller	Smith
deGraffenried	Holmes	Mitchem	Teague
Denton	Little	Parsons	White

—15

Nays:

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And said Bill, S. B. 130, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
14th Day

567

Yeas 19; Nays 0.

Yeas;

Messrs.:	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Holmes	Miller	Teague
Denton	Keener	Mitchem	Weeks
Glass	Little	Parsons	White

—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 473. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and authority of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain county jail facilities and other county buildings; validating certain provisions of Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and providing for the state revenue department to collect certain county industrial taxes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 152. Relative to legislative meeting dates from Thursday, February 25, 1982 through Thursday, March 18, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner, Bennett, Lewis and Cabaniss (With Notice and Proof):

H. 330. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 330, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 330. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Willis:

H. J. R. 163. URGING THE BOARD OF PARDONS AND PAROLES TO PROVIDE PUBLIC NOTICE OF A MEETING DETERMINING THE GRANTING OF A PARDON OR PAROLE.

WHEREAS, it is the duty of the Board of Pardons and Paroles to determine what prisoners serving sentences in the jails and prisons of the State of Alabama may be released on pardon or parole; and

WHEREAS, the Fourteenth Amendment to the United State Constitution guarantees that no state shall deprive any person of life, liberty or property without due process of law or deny any person equal protection of the laws; and

WHEREAS, convicted felons who are known to be dangerous persons and threats to the safety of the State's citizens should not be released until the public has an opportunity to present evidence to said Board of Pardons and Paroles as to why such person should not be released on pardon or parole; and

WHEREAS, victims of crimes should be advised of the possibility of the pardon or parole of prisoners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request the Board of Pardons and Paroles to require that public notice of a hearing to determine the granting of a pardon or parole to a prisoner be given. Such public notice should be published once a week for three successive weeks next preceding the date set for the pardon or parole hearing in a newspaper of general circulation in the county where the crime for which the prisoner was convicted was committed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 163, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 53. REQUESTING MR. FRANKLIN JAMES, DIRECTOR OF THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, TO CALL AN IMMEDIATE HALT TO THE CLOSING OF STATE EMPLOYMENT SERVICE OFFICES AND/OR UNEMPLOYMENT COMPENSATION CLAIMS OFFICES, AND TO RE-OPEN THOSE THAT HAVE ALREADY BEEN CLOSED.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 157. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on a holiday, however, as is the case on Mardi Gras Day, 1982, the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or in other state buildings; and

WHEREAS, the pressing affairs of government are such that it is often-times necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Dr. Rex Rainer, by copy of this resolution, of this request of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 157, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Smith (C):

H. J. R. 162. COMMENDING MAPLESVILLE HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 162, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 238. To Amend Sections 2, 7, 8, 23, 48, 62, 73, 93, 104, 106, 114, 121, 134, 139, 162, 163, 169, 186 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act".

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas;

Messrs.:	Hall	Little	Parsons
Bailey	Harrison	Martin	St. John
Barron	Higginbotham	McDonald	Teague
deGraffenried	Keener	Miller	Weeks
Denton	Kirkland	Mitchem	White
Glass	Lemaster		

—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 79. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Also:

H. J. R. 90. MEMORIALIZING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

was taken up.

Mr. Little moved that the Bill, S. B. 217, be re-referred to the Standing Committee on Finance and Taxation, under the provisions of Rule 54.

Mr. Keener moved that the motion to re-refer be laid on the table.

The President Pro Tempore of the Senate stated that, under the provisions of Rule 14(4), S. B. 217, being a Consent Calendar Bill, is not subject to a motion to re-refer, and therefore, the motion of Mr. Little was out of order.

COMMUNICATION FROM SENATOR BARRON

February 25, 1982

Honorable McDowell Lee
Secretary, Senate of Alabama
State Capitol
Montgomery, Alabama 36130

Dear Mr. Lee:

I hereby resign my position as State Senator, Senate District 27, Senate of Alabama, effective at midnight this date.

Yours very truly,

BISHOP N. BARRON.

The foregoing Communication from Senator Barron, recently appointed to the State Court of Criminal Appeals, was read and ordered spread upon the Journal.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 148. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 39	62	11th jud. circ., add'l judgeship
S. B. 379	79	Water and Sewer Boards, interest rate removed exempt
S. B. 322	78	Jefferson, industrial site and park projects
S. B. 397	83	Insurance companies, def. of control
S. B. 264	20	Spotlights, use of at night on roads, penalty
S. B. 265	21	Hunting, deer, nighttime, penalty
S. B. 266	21	Hunting, within 100 yards of hwy. pen.
S. B. 267	22	Hunting, nighttime, penalty
S. B. 269	22	Hunting, on land of another, daytime, pen.
S. B. 270	23	Hunting, on land of another, nighttime, penalty
S. B. 14	11	Alabama recreation capitol dev. assist. fund
S. B. 8	76	Physical therapy bd., of, suppl. approp.
S. B. 24	54	Motor vehicles, carseats for minors
S. B. 27	18	School boards, vacation for non-teachers

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S. B. 341	47	Firefighters, distinctive license plates
S. B. 66	19	Driver education, eliminated to grad.
S. B. 307	78	Ophthalmic materials, sales tax, exempt
S. B. 193	40	Banks, language use of abbreviations
S. B. 210	17	State warrants, destruction of

Mr. Barron offered the following substitute for the Resolution, S. R. 148, to-wit:

S. R. 148. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 302	87	Judicial Compensation Const. Amendment
S. B. 39	62	11th jud. circ., add'l judgeship
S. B. 379	79	Water and Sewer Boards, interest rate removed exempt
S. B. 322	78	Jefferson, industrial site and park projects
S. B. 397	83	Insurance companies, def. of control
S. B. 264	20	Spotlights, use of at night on roads, penalty
S. B. 265	21	Hunting, deer, nighttime, penalty
S. B. 266	21	Hunting, within 100 yards of hwys. pen.
S. B. 267	22	Hunting, nighttime, penalty
S. B. 269	22	Hunting, on land of another, daytime, pen.
S. B. 270	23	Hunting, on land of another, nighttime, penalty
S. B. 14	11	Alabama recreation capitol dev. assist. fund
S. B. 8	76	Physical therapy bd., of, suppl. approp.
S. B. 24	54	Motor vehicles, carseats for minors
S. B. 27	18	School boards, vacation for non-teachers
S. B. 341	47	Firefighters, distinctive license plates
S. B. 66	19	Driver education, eliminated to grad.
S. B. 307	78	Ophthalmic materials, sales tax, exempt
S. B. 193	40	Banks, language use of abbreviations
S. B. 210	17	State warrants, destruction of

Which was adopted.

And on motion of Mr. McDonald, said Resolution, S. R. 148, as thus amended by the substitute, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 164. DESIGNATING S. B. 4 AS "THE SASSER-KIRKLAND LAW."

WHEREAS, State Representative James G. Sasser and State Senator Reo Kirkland have fought hard to establish a one-for-one jury strike system in the state of Alabama; and

WHEREAS, they have brought to the attention of both the Legislative and Executive branches of government the critical need for the aforementioned system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. B. 4 is hereby designated as "The Sasser-Kirkland Law."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Representative Sasser and Senator Kirkland with our deep appreciation and gratitude.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 164, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (Roy), Owens, Mitchell and Howard (with notice and proof):

H. 491. To regulate further the sale in Tuscaloosa County at retail of liquor and wine for off-premises consumption; and to provide that violation of this act shall be a Class C misdemeanor, punishable as prescribed by law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 491, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Smith (J) and Carter (with notice and proof):

H. 505. Relating to Limestone County; providing for the county governing body to reimburse the office of license commissioner, probate judge or

tax collector for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 505, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 522. Relating to Lamar County; providing for the amount of compensation and expenses to be paid members of the jury commission, board of equalization and the board of registrars; and repealing Act No. 81-191, 1981 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 522, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Langford (with notice and proof):

H. 544. Relating to Montgomery County; providing further for the salary of the district judges, effective upon the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 544, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Langford, Wyatt and McKee (with notice and proof):

H. 545. Relating to Montgomery County; providing further for the salary of the tax collector, effective upon the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 545, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Langford, Wyatt and McKee (with notice and proof):

H. 546. Relating to Montgomery County; providing further for the salary of the tax assessor, effective upon the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 546, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Langford, Wyatt and McKee (with notice and proof):

H. 547. Relating to Montgomery County; providing further for the salary of the probate judge effective upon the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 491, 505, 522, 544, 545, 546, and 547.—To the Committee on Local Legislation No. 1.

ADJOURNMENT

At 12:12 P.M., on motion of Mr. deGraffenried, in accordance with Joint Resolution heretofore adopted, and pending S. B.'s 217 and 135, the Senate adjourned until Tuesday, March 2, 1982, at 2 o'clock P.M.

FIFTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 2, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Vernon S. Broyles, Pastor, Westminster Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 53. REQUESTING MR. FRANKLIN JAMES, DIRECTOR OF THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, TO CALL AN IMMEDIATE HALT TO THE CLOSING OF STATE EMPLOYMENT SERVICE OFFICES AN/OR UNEMPLOYMENT COMPENSATION CLAIMS OFFICES, AND TO RE-OPEN THOSE THAT HAVE ALREADY BEEN CLOSED.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds or thereby decreases county or municipal revenue collections; and that if such general bill or resolution shall otherwise fulfill the requirements of becoming an Act but not comply with the provisions of this Act, such Act shall be null and void and shall have no effect in this state.

said conference report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON H. B. NO. 167

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning H. B. 167 have met, considered the bill as amended, and have agreed to the following report:

We recommend that the bill be substituted as per attached Conference Committee Substitute for H. B. 167 which is hereby made a part of this report as if set out in its entirety herein.

Respectfully submitted,
JIM SMITH,

JAMES M. CAMPBELL,
FRANK H. RIDDICK,

Conferees on the part of the House.

CHARLES B. MARTIN,
CORDY TAYLOR,
ROBERT GULLEDGE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 167

A BILL
TO BE ENTITLED
AN ACT

To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds; to establish certain requirements for said fiscal notes; and to establish certain requirements in relation to information needed by the Director of the Legislative Fiscal Office to fulfill duties and functions which are required of him under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every general bill or resolution creating, eliminating or affecting in any way, a state or local program, service, function or revenue source and which thereby requires the expenditure of county or municipal funds or thereby decreases or increases revenue collections by any county or municipality shall, before any vote is taken thereon in the Senate or House of Representatives, have endorsed thereon or attached thereto an estimate made by the Director of the Legislative Fiscal Office of the amount of money involved therein, and the anticipated increase in county or municipal spending or the decrease in county or municipal revenue collections under the provisions of the bill or resolution. In the event that insufficient data is available to formulate an estimate of the amount of money involved therein, the Director shall note such fact on such endorsement or attachment which shall constitute compliance herewith.

Section 2. The fiscal note provided under this Act shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the committee in the house to which it was referred upon introduction.

Section 3. The Director of the Legislative Fiscal Office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the State which is necessary for the Director to fulfill the duties and functions imposed upon him by this Act. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions which are required by this Act.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 6. This Act shall become effective January 1, 1983.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Taylor, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 167, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor	
Bailey	Harrison	Miller	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Denton	Holmes	Proctor	Weeks	
Goodwin	Lemaster	St. John		—18

Nays:

—0

COMMUNICATION FROM DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable McDowell Lee, Secretary
The Senate of Alabama
State Capitol
Montgomery, Alabama

My dear Mr. Lee:

Herewith are requests for the confirmation of trustees of the Archives and History Department for the 1st and 2nd Congressional Districts. I shall appreciate your taking the necessary steps toward their confirmation.

Very sincerely,

ROBERT A. CASON,
Secretary,
Board of Trustees.

STATE OF ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On February 17, 1982, the Board of Trustees of the Archives and History Department re-elected Archbishop Oscar H. Lipscomb as Trustee for the 1st Congressional District for the term ending December 31, 1986.

On behalf of the Board of Trustees I request the confirmation of Archbishop Libscomb's election.

Very sincerely,
ROBERT A. CASON,
Secretary,
Board of Trustees.

STATE OF ALABAMA
DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On February 17, 1982, the Board of Trustees of the Archives and History Department re-elected Mr. Robert E. Steiner III as a Trustee for the 2nd Congressional District for the term ending December 31, 1986.

On behalf of the Board of Trustees I request the confirmation of Mr. Steiner's election.

Very sincerely,
ROBERT A. CASON,
Secretary,
Board of Trustees.

The foregoing Communications from the Department of Archives and History, relative to appointments to the Board of Trustees from the 1st and 2nd Congressional Districts, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Grimsley, Williams and Daniels:

H. J. R. 167. CONGRATULATING THE 1981 STATE 4A FOOTBALL CHAMPIONS, DOTHAN'S NORTHVIEW HIGH SCHOOL COUGARS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 167, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

POINT OF PERSONAL PRIVILEGE

Mr. Little announced that the Study of Tax Incentives to Encourage Individuals to Provide Home Care for Dependent Adult Family Members,

prepared by the Research Division of the Department of Revenue, and requested by S. J. R. 37, First Special Session, 1981, has been received, distributed, and filed with the Secretary.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 65. ENCOURAGING THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO BUILD DORMITORIES AND RENOVATE EXISTING BUILDINGS FOR DORMITORIES FOR THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, TO BE FINANCED THROUGH THE ISSUANCE OF BONDS BY THE CITY, AND TO BE AMORTIZED BY THE PAYMENT OF STUDENT RENTS.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 120. COMMENDING MRS. RUTH ROMINE TEAFORD OF WALKER COUNTY'S CURRY HIGH SCHOOL, ALABAMA'S TEACHER OF THE YEAR.

Also:

H. J. R. 121. COMMENDING MS. RUTH ANN ATWELL OF BUTLER, ALABAMA ON HER CAREER AS A LEGAL SECRETARY.

Also:

H. J. R. 146. DESIGNATING MAY 2 THROUGH MAY 9, 1982, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK IN ALABAMA.

Also:

H. J. R. 153. COMMENDING REPRESENTATIVE BOB GAFORD FOR HIS OUTSTANDING ABILITY AS A PARLIAMENTARIAN AND FOR HIS ABILITY TO RECOGNIZE AND HELP SOLVE COMPLEX CONSTITUTIONAL QUESTIONS.

Also:

H. J. R. 141. NOTING THE ELECTION OF COACH JAMES RALPH JORDAN TO THE NATIONAL FOOTBALL FOUNDATION'S COLLEGE FOOTBALL HALL OF FAME.

Also:

H. J. R. 144. COMMENDING MR. CECIL WEATHERBEE, VETERAN ALABAMA NEWSPAPERMAN.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 162. COMMENDING MAPLESVILLE HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

On motion of Mr. Proctor, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 149. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 176	99	General Budget
S. B. 39	61	11th jud. circ., add'l judgeship
S. B. 379	77	Water and Sewer Boards, int. rate removed exempt
S. B. 322	76	Jefferson, industrial site and park projects
S. B. 397	81	Insurance companies, def. of control
S. B. 264	19	Spotlight, use of at night on roads, penalty
S. B. 265	20	Hunting, deer, nighttime, penalty
S. B. 266	20	Hunting, within 100 yards of hwys., pen.
S. B. 267	21	Hunting, nighttime, penalty
S. B. 269	21	Hunting, on land of another, daytime, pen.
S. B. 270	22	Hunting, on land of another, nighttime, penalty
S. B. 182		St. bd. of education, app't of chancellor
S. B. 143	25	Church schools, reporting of compulsory attendance
S. B. 14	10	Alabama recreation capitol dev. assist. fund
S. B. 8	74	Physical therapy bd., of, suppl. approp.
S. B. 24	53	Motor vehicles, carseats for minors
S. B. 27	17	School boards, vacation for non-teachers

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S. B. 341	46	Firefighters, dis. license plates
S. B. 66	18	Driver education, elim. to grad.
S. B. 307	76	Ophthalmic materials, sales tax, exempt
S. B. 193	39	Banks, language use of abbreviations
S. B. 210	16	State warrants, destruction of

Mr. Hall offered the following substitute for the Resolution, S. R. 149, to-wit:

SUBSTITUTE FOR S. R. 149

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 176	99	General Budget
S. B. 39	61	11th jud. circ., add'l judgeship
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S. B. 397	81	Insurance companies, def. of control
S. B. 264	19	Spotlight, use of at night on roads, penalty
S. B. 265	20	Hunting, deer, nighttime, penalty
S. B. 266	20	Hunting, within 100 yards of hwys., pen.
S. B. 267	21	Hunting, nighttime, penalty
S. B. 269	21	Hunting, on land of another, daytime, pen.
S. B. 270	22	Hunting, on land of another, nighttime, penalty
S. B. 182		St. bd. of education, app't. of chancellor
S. B. 143	25	Church schools, reporting of compulsory attendance
S. B. 14	10	Alabama recreation capitol dev. assist. fund
S. B. 8	74	Physical therapy bd., of, suppl. approp.
S. B. 24	53	Motor vehicles, carseats for minors
S. B. 27	17	School boards, vacation for non-teachers
S. B. 341	46	Firefighters, dis. license plates
S. B. 66	18	Driver education, elim. to grad.
S. B. 307	76	Ophthalmic materials, sales tax, exempt
S. B. 193	39	Banks, language use of abbreviations
S. B. 210	16	State warrants, destruction of

Which was lost.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 396. To authorize Sheriffs of the several counties of the State of Alabama to employ investigators to determine certain qualifications of a person before issuing a pistol license and to establish methods of compensation.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 396, to-wit:

COMMITTEE AMENDMENT TO S. B. 396

Amend Senate Bill 396, page 1, line 34, by striking out Section 4 in its entirety on lines 34 and 35 and re-number subsequent section.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Goodwin	Keener	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Miller	White
deGraffenried	Higginbotham		
			—17

Nays: —0

And said Bill, S. B. 396, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Hilliard	Mitchem
Bailey	Goodwin	Holmes	Parsons
Callahan	Hall	Keener	Smith
Cook	Harrison	Little	Vacca
deGraffenried	Higginbotham	Miller	White
			—19

Nays: —0

MOTIONS IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 408, on page 32 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 408, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 340, on page 42 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 340, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 72, on page 70 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 72, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 219, on page 72 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 219, referred to the Standing Committee on Rules for placement on the Consent Calendar.

POINT OF PERSONAL PRIVILEGE

Mr. Goodwin requested permission to have his name added as prime sponsor of the Bill, S. B. 415, which was introduced at his request by Mr. Teague on the Fourteenth Legislative Day, which permission was granted.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of probate judges so as to provide that the probate judge in each county in which such probate judge is paid a salary in lieu of fees, shall receive from that county a total annual compensation equal to ninety percent (90%) of the total annual compensation paid by the state and county to the presiding circuit judge in the judicial circuit serving such county; to delete certain minimum pay provisions; and to provide that the provisions of this section shall not affect the compensation of probate judges of counties where said judges receive a total compensation in excess of the amounts provided under subsection (a) of this section.

Committee on Governmental Affairs.

By Mr. McDonald:

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 424. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adopting parents.

Committee on Judiciary.

By Mr. Miller:

S. 425. To amend Sections 34-29-23 and 34-29-41 of the Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the salary of the secretary-treasurer of the board and for the identity of a license which was not properly renewed.

Committee on Governmental Affairs.

By Mr. Robertson (with notice and proof):

S. 426. To amend Sections 1 and 5 of Act No. 651, H. 1555 of the 1973 Special Session (Acts 1973, p. 972), which created an Industrial Development Authority for Tuscaloosa County so as to provide further for the composition of the board of such authority and to prescribe certain tax exempt status and security for bonds issued by said authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 426, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 427. To amend Section 12-19-113 Code of Alabama 1975 so as to provide that a juror summoned to pass upon the soundness of mind of a person shall be entitled to receive \$8.00 per day of attendance.

Committee on Judiciary.

By Messrs. Keener, Callahan and deGraffenried:

S. 428. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 429. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such

communications in other circumstances; and prescribing penalties for violations under this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 430. To provide that matters originating in the probate court shall not be removed or appealed to a district court.

Committee on Judiciary.

By Mr. Goodwin:

S. 431. To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Committee on Finance and Taxation.

By Messrs. Teague and Goodwin:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 433. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees of alcoholic beverages will file sworn affidavits containing a description of designated sales territories within the state and a wholesaler franchise agreement naming an exclusive wholesaler for each such designated sale territory; to provide that a franchise agreement may not establish or maintain resale price; to provide a period of time for the manufacturer or importer to file the designated sales territory and exclusive wholesaler franchise agreements; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 434. To amend Section 30-4-81 of the Code of Alabama 1975, so as to expand the applicability of the Reciprocal State Enforcement of Duty to Support law to include the enforcement of support orders wherein a foreign jurisdiction is either the "initiating state" or the "responding state", as defined in this article, and to amend said law further by adding thereto a provision permitting the reciprocal enforcement of support orders or decrees wherein the "obligee" and the "obligor", as defined in this article, are in this State but in different counties.

Committee on Judiciary.

By Mr. Kirkland:

S. 435. Relating to the prevention of the subversion of the economy by increasing organization among certain criminal elements; making it unlawful to use proceeds from a pattern of racketeering activity or from the collection of an unlawful debt to acquire or to maintain an interest in, or to establish or conduct an enterprise, including real property; making it unlawful to acquire or to maintain an interest in, or to conduct an enterprise or to acquire real property, through a pattern of racketeering activity or through the collection of an unlawful debt; making it unlawful for any person employed by, or associated with, any enterprise to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity or the collection of an unlawful debt; making it unlawful to conspire to engage in any such conduct; providing certain criminal penalties; to provide for joinder and severance of defendants in criminal trials relating to this Act; to provide for judgments of conviction based upon the uncorroborated testimony of an accomplice in criminal trials relating to this Act; mandatory forfeiture of certain interest or property of persons convicted of violating provisions of this Act; to provide for dispositions of said forfeited property; and providing certain civil remedies, including, but not limited to, divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within the state.

Committee on Judiciary.

By Mr. Figures:

S. 436. To define the crime of illegal paramilitary training involving those who teach, demonstrate and those who assemble for the purposes of training with, practicing with or being instructed unlawfully in the use of making firearms, explosives, or incendiary devices capable of causing death or injury for use in, or in furtherance of, a civil disorder; to prescribe felony penalties upon conviction for committing the crime of illegal paramilitary training; and to make certain exemptions.

Committee on Judiciary.

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 337, on page 96 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 337, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Bill:

S. 217. To amend Sections 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 175. COMMENDING THE VESTAVIA HILLS HIGH SCHOOL MARCHING BAND, ALABAMA'S REPRESENTATIVE TO THE NATIONAL CHERRY BLOSSOM FESTIVAL IN WASHINGTON, D.C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 175, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 174. URGING ALABAMA'S U.S. CONGRESSIONAL DELEGATION TO OPPOSE THE PROPOSED BOAT USER FEES AS DEVELOPED FOR THE U.S. DEPARTMENT OF TRANSPORTATION BY THE U.S. COAST GUARD.

WHEREAS, the United States Coast Guard has developed a proposal of new boat user fees for the U.S. Department of Transportation; and

WHEREAS, the annual boat-user fee system is divided into three categories—non-navigable waters, navigable waters and coastal waters—as well as categories based on lengths of boats; and

WHEREAS, in coastal waters, for example, fees as proposed would range from \$50 for boats under 16 feet in length, progressing to more than \$600 annually for any boat over 65 feet; and

WHEREAS, while fees for boats operated on non-navigable waters and navigable inland waterways would begin at just \$4.00, the majority of boats in South Alabama most likely would be classified as coastal operated and therefore subject to the higher coastal water scale; and

WHEREAS, not only would such unreasonable fees prove prohibitive to the recreational boaters of our state, but would create an unworkable system in use classification for South Alabama boat users and for those using their boats in various areas of our state and for various purposes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request the members of Alabama's Congressional Delegation in Washington, D.C., to protest and to oppose the adoption of the U.S. Coast Guard boat user fees proposed for the U.S. Department of Transportation.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform each of our state's U.S. Congressmen and Senators, by copy of this resolution, of the Legislature's rejection of the above proposed fee system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 174, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 217

The Senate proceeded to further consideration of the Bill, S. B. 217.

And said Bill, S. B. 217, was read a third time at length and lost.

Yeas 11; Nays 15.

Yeas:

Messrs.:	deGraffenried	Keener	Proctor
Callahan	Goodwin	Kirkland	Teague
Cook	Higginbotham	Martin	White

—11

Nays:

Messrs.:	Gulledge	Lemaster	Parsons
Bailey	Hall	Little	Robertson
Britnell	Harrison	Miller	Taylor
Denton	Holmes	Mitchem	Weeks

—15

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Edwards, Grouby and Cates:

H. J. R. 173. COMMENDING MRS. HAROLD PATE OF PATE CHAROLAIS RANCH, BURKVILLE, ALABAMA, 1982 PRESIDENT OF THE ALABAMA COWBELLES ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 173, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Coburn:

H. J. R. 172. REQUESTING THE ADMINISTRATIVE OFFICE OF COURTS TO FILE A CONSOLIDATED BILL AT THE BEGINNING OF EACH REGULAR SESSION ESTABLISHING NEW CIRCUIT AND DISTRICT JUDGESHIPS.

WHEREAS, new circuit and district judgeships have been established by individual bills which assumed the nature of local legislation and are passed under the unwritten rules of "local courtesy"; and

WHEREAS, new circuit and district judgeships should be established based on case load and need rather than on the individual personalities and persuasiveness of the members of the legislature sponsoring said legislation; and

WHEREAS, the proper mode for establishing new circuit and district judgeships should be in the form of one consolidated Act establishing all new circuit and district judgeships introduced at each regular session and based upon statistics showing a need and a demand because of the case load of the courts involved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do call upon the Administrative Office of Courts to prepare, before the beginning of each regular session, one consolidated Act which establishes new circuit and district judgeships throughout the entire State, that the Administrative Office of Courts be further requested to present testimony at the hearings on this bill to show the need for and justify the creation of new judgeships based on case load.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to the Administrative Director of Courts and to each member of the State Supreme Court.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 172, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 556. Relating to Macon County; to provide for an additional expense allowance for the assistant district attorney serving Macon County; to make the provisions of this act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 556, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Mitchell and Johnson (Roy) (with notice and proof):

H. 559. Relating to Tuscaloosa County; amending Act No. 81-1102, H. 29, Third Special Session 1981, entitled, "An Act To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits," and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 559, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 556 and 559. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grouby:

H. 73. To provide for a state income tax refund checkoff designation for the support of nongame or game wildlife programs in Alabama.

Also:

By Rep. McKee:

H. 88. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county except Lamar, Fayette and Marion counties, by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 73 AND 88. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Denton	Higginbotham	Little
Britnell	Goodwin	Holmes	Martin
Cook	Gulledge	Keener	Mitchem
deGraffenried	Hall	Lemaster	Parsons

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Proctor	St. John	Taylor	White	
Robertson	Smith	Teague		—22
Nay: Mr. Kirkland				—1

MOTION TO RECONSIDER

Mr. Little moved that the Senate reconsider the vote by which the Bill, S. B. 217, was lost, and further moved that the motion to reconsider be laid on the table. The motion to table lost.

Yeas 11; Nays 16.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Hall	Little	Robertson	
Britnell	Holmes	Miller	Taylor	—11

Nays:

Messrs.:	Goodwin	Keener	St. John	
Callahan	Harrison	Kirkland	Vacca	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Hilliard	Proctor	White	—16
Denton				

The question was then on the motion to reconsider, which motion was adopted.

On motion of Mr. Cook, further consideration of the Bill, S. B. 217, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

was taken up.

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 221, on page 99 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 221, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 417. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

By Rep. Cobb (with notice and proof):

H. 482. Relating to Marion County; to repeal Act No. 146, H. 416, 1963 Regular Session, which act prohibits the issuance of licenses to money lenders in Marion County under the Small Loan Act (Act No. 374, H. 102, Regular Session 1959; Sections 5-18-1 through 5-18-24, Code of Alabama 1975).

By Rep. Gilmer (with notice and proof):

H. 488. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty to any resident of Lamar County on certain beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system; to prescribe punishment for any person found guilty of falsely making claim for a bounty; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046).

By Reps. Smith (J) and Carter (with notice and proof):

H. 505. Relating to Limestone County; providing for the county governing body to reimburse the office of license commissioner, probate judge or tax collector for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

By Rep. Gilmer (with notice and proof):

H. 522. Relating to Lamar County; providing for the amount of compensation and expenses to be paid members of the jury commission, board of equalization and the board of registrars; and repealing Act No. 81-191, 1981 Regular Session.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 164. To amend Section 32-9-25 of the Code of Alabama of 1975, which relates to length exemptions of certain motor vehicles, so as to provide that such vehicles hauling motor vehicles or motor vehicle bodies shall not exceed 65 feet in length.

By Mr. Teague:

S. 165. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

By Mr. Callahan:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Vacca:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

By Mr. Callahan:

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

By Mr. Mitchem:

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement of the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

By Mr. Smith:

S. 107. To amend Section 41-4-156 of the Code of Alabama 1975 so as to include municipal clerks in the distribution of local and general acts by the secretary of state.

By Mr. Denton:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

FURTHER CONSIDERATION OF S. B. 215

The Senate proceeded to further consideration of the Bill, S. B. 215.

MOTIONS IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 353, on page 98 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 353, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. White then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 47, on page 68 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 47, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 167. To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds; to establish certain requirements for said fiscal notes; and to establish certain requirements in relation to information needed by the Director of the Legislative Fiscal Office to fulfill duties and functions which are required of him under the provisions of this Act.

Also:

H. J. R. 120. COMMENDING MRS. RUTH ROMINE TEAFORD OF WALKER COUNTY'S CURRY HIGH SCHOOL, ALABAMA'S TEACHER OF THE YEAR.

Also:

H. J. R. 121. COMMENDING MS. RUTH ANN ATWELL OF BUTLER, ALABAMA ON HER CAREER AS A LEGAL SECRETARY.

Also:

H. J. R. 141. NOTING THE ELECTION OF COACH JAMES RALPH JORDAN TO THE NATIONAL FOOTBALL FOUNDATION'S COLLEGE FOOTBALL HALL OF FAME.

Also:

H. J. R. 144. COMMENDING MR. CECIL WEATHERBEE, VETERAN ALABAMA NEWSPAPERMAN.

Also:

H. J. R. 146. DESIGNATING MAY 2 THROUGH MAY 9, 1982, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK IN ALABAMA.

Also:

H. J. R. 153. COMMENDING REPRESENTATIVE BOB GAFORD FOR HIS OUTSTANDING ABILITY AS A PARLIAMENTARIAN AND FOR HIS ABILITY TO RECOGNIZE AND HELP SOLVE COMPLEX CONSTITUTIONAL QUESTIONS.

Also:

H. J. R. 162. COMMENDING MAPLESVILLE HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 215

The Senate proceeded to further consideration of the Bill, S. B. 215.

And said Bill, S. B. 215, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Higginbotham	Martin	Smith
Cook	Holmes	Mitchem	Taylor
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Robertson	White

—19

Nays:

—0

BILLS ON THIRD READING RESUMED

Mr. Weeks requested and received permission to suspend the Rules and bring up the Bill:

S. 374. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Mr. Weeks then moved that further consideration of the Bill, S. B. 374, be postponed until the Eighteenth Legislative Day.

Mr. deGraffenried offered a substitute motion that further consideration of said Bill, S. B. 374, be indefinitely postponed.

Mr. Little offered a substitute motion that the Bill, S. B. 374, be temporarily postponed, which motion was adopted.

RESOLUTIONS

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 150. EXTENDING CONGRATULATIONS TO MR. AND MRS. TOM GARDNER ON THE BIRTH OF A DAUGHTER YESTERDAY.

Which was adopted.

Mr. Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 151. RECOGNIZING MARCH 18, 1982, AS AGRICULTURAL DAY, 1982, IN THE STATE OF ALABAMA.

WHEREAS, a nationwide observance of March 18 as Agricultural Day, 1982, will celebrate the United States' Agricultural success in providing the world's most abundant and highest quality food supply; and

WHEREAS, Agricultural Day activities throughout our land will focus upon and spotlight a message that every American can endorse: "Agriculture — It's Our Heartbeat, America"; and

WHEREAS, we in Alabama are indeed cognizant of the vital role of agriculture in our nation's greatness, and of its significance in Alabama where more than 170,000 citizens are engaged in farming and where agribusiness reigns as our state's single largest industry; and

WHEREAS, Alabama's agricultural achievements also account for an impressive percentage of our nation's collective accomplishments, a contribution that is a source of great pride to all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in shared sentiment of the purpose and intent of a national Agricultural Day, we hereby recognize March 18 as "Agricultural Day, 1982" in the State of Alabama, and call upon all citizens thereof to join in such recognition and endorsement.

On motion of Mr. Taylor, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 5.

Yeas:

Messrs.:
Callahan

Cook
deGraffenried

Denton
Harrison

Higginbotham
Keener

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Kirkland	Mitchem	Robertson	Teague
Martin	Parsons	St. John	Weeks
McDonald	Proctor	Smith	White

—19

Nays: Messrs.: Holmes, Lemaster, Little, Miller and Taylor. —5

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 2, on page 9 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 2, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 217

The Senate proceeded to further consideration of the Bill, S. B. 217.

And said Bill, S. B. 217, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 11.

Yeas:

Messrs.:	Goodwin	Martin	Vacca
Callahan	Higginbotham	Proctor	Weeks
Cook	Keener	St. John	White
deGraffenried	Kirkland	Teague	

—14

Nays:

Messrs.:	Harrison	Little	Robertson
Denton	Holmes	McDonald	Smith
Gulledge	Lemaster	Miller	Taylor

—11

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 259, on page 87 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 259, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 377, on page 74 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 377, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 3.

Yeas:

Messrs.:	Goodwin	McDonald	St. John	
Callahan	Gulledge	Miller	Teague	
Cook	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	White	
Denton	Kirkland	Proctor		—18

Nays: Messrs. Hall, Holmes and Little. —3

The Bill:

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Higginbotham	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Callahan	Keener	Proctor	Vacca	
Denton	Kirkland	St. John	White	
Goodwin				—20

Nays: Messrs. Hilliard and Little. —2

The Bill:

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 18; Nays 3.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Proctor	Teague
Denton	Lemaster	Robertson	

—18

Nays: Messrs. Higginbotham, Little and White. —3

The Bill:

S. 107. To amend Section 41-4-156 of the Code of Alabama 1975 so as to include municipal clerks in the distribution of local and general acts by the secretary of state.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Taylor
Bailey	Holmes	Mitchem	Teague
Britnell	Kirkland	Proctor	Vacca
Callahan	Little	Robertson	White
Denton	Martin	Smith	

—18

Nays: —0

The Bill:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson
Bailey	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Kirkland	Mitchem	Teague

—19

Nays: —0

UNFINISHED BUSINESS

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with

certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

and pending substitute, which said substitute is set out in the Journal of the Senate for the Thirteenth Legislative Day.

And said substitute was then adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John	
Bailey	Hilliard	Mitchem	Smith	
Callahan	Holmes	Parsons	Teague	
deGraffenried	Little	Pearson	Vacca	
Goodwin	Martin	Robertson	Weeks	
				—19

Nays:

—0

And said Bill, S. B. 135, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Bailey	Higginbotham	Miller	Smith	
Callahan	Hilliard	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Teague	
Goodwin	Keener	Robertson	White	
Hall	Little			
				—21

Nays:

—0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 176. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 176, to-wit:

SUBSTITUTE FOR S. B. 176

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of

government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1982-83 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriations.

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support-Audit Services Program	4,741,152
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SOURCE OF FUNDS:

(1) State General Fund	4,741,152	
Total Department of Examiners of Public Accounts	<u>4,741,152</u>	<u>4,741,152</u>

2. Legislative Council:

(a) Legislative Operations and Support Program	130,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund	130,000	
Total Legislative Council	130,000	130,000

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program	450,558
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SOURCE OF FUNDS:

(1) State General Fund	450,558	
Total Legislative Fiscal Office ...	450,558	450,558

4. Legislative Reference Service:

(a) Legislative Operations and Support Program	800,000
--	---------

The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$1,118.

SOURCE OF FUNDS:

(1) State General Fund	800,000	
Total Legislative Reference Service	800,000	800,000

5. Legislature:

(a) Senate Operations and Support Program	1,283,480
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(b) House Operations and Support Program	1,926,752
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SOURCE OF FUNDS:

(1) State General Fund	3,210,232	
Total Legislature	3,210,232	3,210,232

6. Legislatures, National Conference of State:

(a) Legislative Operations and Support Program	54,365
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SOURCE OF FUNDS:

(1) State General Fund	<u>54,365</u>	
Total National Conference of State Legislatures	<u>54,365</u>	<u>54,365</u>

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..		753,940
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SOURCE OF FUNDS:

(1) State General Fund	<u>753,940</u>	
Total Court of Civil Appeals	<u>753,940</u>	<u>753,940</u>

2. Court of Criminal Appeals:

(a) Court Operations Program ..		1,114,316
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,114,316</u>	
Total Court of Criminal Appeals .	<u>1,114,316</u>	<u>1,114,316</u>

3. Judicial Inquiry Commission:

(a) Administrative Services Program		73,771
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SOURCE OF FUNDS:

(1) State General Fund	<u>73,771</u>	
Total Judicial Inquiry Commission	<u>73,771</u>	<u>73,771</u>

4. Judicial Retirement System:

(a) Retirement Systems Program		1,053,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,053,000</u>	
Total Judicial Retirement System	<u>1,053,000</u>	<u>1,053,000</u>

5. Supreme Court:

(a) Court Operations Program ..		2,985,467
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SOURCE OF FUNDS:

(1) State General Fund	2,971,467	
(2) Federal, Local and Miscellaneous Funds		<u>14,000</u>
Total Supreme Court	<u>2,971, 467</u>	<u>14,000</u> <u>2,985,467</u>

6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program ..		43,245,236
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(b) Administrative Services Program		3,585,072
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SOURCE OF FUNDS:

(1) State General Fund	46,830,308	
Total Unified Judicial System ...	<u>46,830,308</u>	<u>46,830,308</u>

C. EXECUTIVE

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program		1,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	<u>1,000</u>	
Total Alabama Academy of Honor	<u>1,000</u>	<u>1,000</u>

2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program		187,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	187,000	
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As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.

In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	<u>187,000</u>	<u>187,000</u>
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3. Adjustment, Board of:

(a) Special Services Program		165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	15,000	
(2) State General Fund for expenditures as provided in Title 31,		

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Chapter 3 and Title 36, Chapter
30, Article 1, 1975 Code of Ala-
bama, Estimated

150,000

Total Board of Adjustment

165,000

165,000

4. Aeronautics, Department of:

(a) Airport Development and
Aeronautical Support Program

625,387

The appropriation to the Depart-
ment of Aeronautics shall in-
clude a transfer to the State Per-
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Airport Development Fund ..

625,387

As provided by Title 4, Chapter 2,
Section 42, 1975 Code of Ala-
bama

Total Department of Aeronautics

625,387

625,387

5. Aging, Commission on:

(a) Planning and Advocacy for El-
derly Program

13,475,247

The appropriation to the Commis-
sion on Aging shall include a
transfer to the State Personnel
Department of \$852.

(b) Retired Senior Volunteer Pro-
gram

339,000

In addition to the programs currently funded by the funds allocated to the Retired Senior Citizens Volunteer Programs, the following programs will receive the same pro rata share of the total appropriation as received by the Retired Senior Citizens Volunteer Programs: Foster Grandparent Program-Decatur; Foster Grandparent Program-Birmingham; Foster Grandparent Program-Russellville; Foster Grandparent Program-Mobile; and the Senior Companion Program-Mobile.

SOURCE OF FUNDS:

(1) State General Fund Transfer

1,117,864

(2) Federal, Local and Miscellane-
ous Funds

12,696,383

Total Commission on Aging

1,117,864

12,696,383

13,814,247

6. Agricultural Center Board:

(a) Agricultural Development
Services Program

577,040

The appropriation to the Agricul-
tural Center Board shall include
a transfer to the State Personnel
Department of \$692.

SOURCE OF FUNDS:

(1) State General Fund	120,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund Transfer	308,840		
(3) Livestock Coliseum Fund		148,200	
Total Agricultural Center Board .	428,840	148,200	577,040

7. Agricultural and Industrial
Exhibit Commission, Alabama:

(a) Agricultural Development Services Program			31,428
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SOURCE OF FUNDS:

(1) State General Fund	31,428		
Total Alabama Agricultural and Industrial Exhibit Commission	31,428		31,428

8. Agriculture and Industries, De-
partment of:

(a) Administrative Services Pro- gram		1,131,743	
(b) Agricultural Inspection Ser- vices Program		10,104,143	
(c) Laboratory Analysis and Dis- ease Control Program		3,420,097	
(d) Agricultural Development Services Program		636,006	

The appropriation to the Depart-
ment of Agriculture and Indus-
tries shall include a transfer to
the State Personnel Department
of \$22,897.

SOURCE OF FUNDS:

(1) State General Fund Transfer	6,817,139		
(2) Federal, Local and Miscellane- ous Funds		2,167,180	
(3) Shipping Point Inspection Fund		4,207,020	

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Ala-
bama. All fees and charges collected by the Commissioner of Agriculture and
Industries and deposited into said fund, and such appropriation to the De-
partment of Agriculture and Industries shall include all fees and charges
collected and deposited therein for Shipping Point Inspection, grading and
classification services for agricultural products including services furnished
for weighing and issuing weight certificates to be used for the sale of agricul-
tural commodities.

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(4) Agricultural Fund		<u>2,100,650</u>	
Total Department of Agrilcuture and Industries	<u>6,817,139</u>	<u>8,474,850</u>	<u>15,291,989</u>

In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Department of Agriculture and Industries for Capital Outlay for the Farmer's Market in Montgomery to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program	26,536,720
(b) Licensing, Regulation and Enforcement Program	5,742,662
(c) Administrative Services Program	4,090,728

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$61,344, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	36,370,110
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the

fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	36,370,110	36,370,110
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10. Architects Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program	111,300
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$106.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975	111,300
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Total Board for Registration of Architects	111,300	111,300
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11. Archives and History:

(a) Historical Resources Management Program	1,007,322
(b) Alabama Official and Statistical Register	20,000

SOURCE OF FUNDS:

(1) State General Fund	1,012,322
(2) Federal, Local and Miscellaneous Funds	15,000

Total Archives and History	1,012,322	15,000	1,027,322
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12. Attorney General, Office of the:

(a) Legal Advice and Legal Services Program	4,858,336
(b) Fair Marketing Practices Program	382,590

SOURCE OF FUNDS:

(1) State General Fund	3,927,995
(2) Transfer from Pensions and Security	622,609
(3) Federal, Local and Miscellaneous Funds	690,322

Total Office of the Attorney General	3,927,995	1,312,931	5,240,926
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13. Auditor, State:

(a) Fiscal Management Program 762,157

SOURCE OF FUNDS:

(1) State General Fund 762,157

Total State Auditor 762,157 762,157

14. Banking Department, State:

(a) Charter, License, and Regulate
Financial Institutions Program 2,156,850

The appropriation to the State
Banking Department shall in-
clude a transfer to the State Per-
sonnel Department of \$2,449.

SOURCE OF FUNDS:

(1) Banking Assessment Fees ... 1,682,338

As provided in Title 5, Chapter 1,
Section 5, 1975 Code of Alabama.

(2) Bureau of Credit Unions 197,267

As provided in Title 5, Chapter 2,
Article 5, Divisions 1 and 2, 1975
Code of Alabama.

(3) Loan Examination Fund 277,245

As provided in Title 5, Chapter 18,
Sections 1-24, 1975 Code of Ala-
bama.

Total State Banking Department 2,156,850 2,156,850

15. Bar Association, Alabama
State:

(a) Professional and Occupational
Licensing and Regulation Program 716,385

SOURCE OF FUNDS:

(1) State Bar Association Fund, as
provided in Title 34, Chapter 3
1975 Code of Alabama 716,385

Total Alabama State Bar Associa-
tion 716,385 716,385

16. Bear Creek Development Au-
thority:

(a) Water Resource Development
Program 192,918

SOURCE OF FUNDS:

(1) State General Fund 26,093

(2) Federal, Local and Miscellane-
ous Funds 166,825

Total Bear Creek Development Authority	26,093	166,825	192,918
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17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program			102,597
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SOURCE OF FUNDS:

(1) State General Fund	25,000		
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(2) Federal, Local and Miscellaneous Funds		77,597	
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Total Brierfield Ironworks Park ..	25,000	77,597	102,597
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18. Building Commission:

(a) Special Services Program			846,585
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund	252,383		
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(2) Federal, Local and Miscellaneous Funds		594,202	
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Total Building Commission	252,383	594,202	846,585
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19. Cahaba - Alabama Historical Commission:

(a) Historical Resources Management Program			25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000		
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Total Alabama Historical Commission - Cahaba	25,000		25,000
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In addition to the above appropriation there is hereby appropriated \$250,000 to the Alabama Historical Commission-Cahaba for capital outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program			31,500
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama			
		31,500	
Total Alabama State Board of Chiropractic Examiners		31,500	31,500
21. Civil Defense, Department of:			
(a) Readiness and Recovery Program			
			2,366,609
The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,438.			
SOURCE OF FUNDS:			
(1) State General Fund			
	567,962		
(2) Federal, Local and Miscellaneous Funds			
		1,798,647	
Total Department of Civil Defense	567,962	1,798,647	2,366,609
22. Coastal Area Board, Alabama:			
(a) Coastal Area Management Program			
			704,500
The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$373.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer			
	48,500		
(2) Federal, Local and Miscellaneous Funds			
		656,000	
Total Alabama Coastal Area Board	48,500	656,000	704,500
23. Conservation and Natural Resources, Department of:			
(a) Wildlife and Game Program ..			
			11,633,496
(b) State Land Management Program			
			544,206
(c) Outdoor Recreation Sites and Services Program			
			13,074,886
(d) Administrative Services Program			
			2,186,038
(e) Marine Police Management Program			
			1,700,000
(f) Marine Resources Management Program			
			1,302,308

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$29,926.

(g) Catfish Farming and Research Program

200,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,300,000	
(2) Game and Fish Fund		11,533,496
(3) State Lands Fund		544,206

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	1,302,308
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund	1,700,000
(6) State Parks Fund	10,674,886

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

(7) Administrative Funds	2,186,038
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The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax		<u>400,000</u>	
Total Department of Conservation and Natural Resources	<u>2,300,000</u>	<u>28,340,934</u>	<u>30,640,934</u>

24. Contractors, State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program			218,902
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$319.

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	218,902
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Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	<u>218,902</u>	<u>218,902</u>
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...		10,311,811
(b) Institutional Services Corrections Program		58,140,676
(c) Correctional Industries Program		6,862,533

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Dept. of \$68,053.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	69,846,970
(2) Federal, Local and Miscellaneous Funds	1,968,050

(3) Board of Corrections Fund . . . 3,500,000

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections	<u>69,846,970</u>	<u>5,468,050</u>	<u>75,315,020</u>
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In addition to the above appropriation there is hereby appropriated \$11,000,000 to the Board of Corrections to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program			384,500
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$479.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	384,500		
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As provided in Title 34, Chapter 7, 1975 Code of Alabama.

Total Alabama Board of Cosmetology	<u>384,500</u>	<u>384,500</u>	
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27. Counseling, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program			22,000
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	22,000		
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As provided in Title 34, Chapter 8A, 1975 Code of Alabama.

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Total Alabama Board of Examiners in Counseling	22,000	22,000
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28. Criminal Justice Information
System, Alabama:

(a) Criminal Justice Information Services Program		2,564,248
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The appropriation to the Alabama
Criminal Justice Information
System shall include a transfer to
the State Personnel Department
of \$2,662.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,080,648		
(2) Federal, Local and Miscellane- ous Funds		483,600	
Total Alabama Criminal Justice Information System	2,080,648	483,600	2,564,248

29. Dairy Commission, Alabama:

(a) Regulatory Services Program		369,400
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The appropriation to the Alabama
Dairy Commission shall include
a transfer to the State Personnel
Dept. of \$532.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund	369,400	
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As provided in Title 2, Chapter 13,
1975 Code of Alabama.

Total Alabama Dairy Commission	369,400	369,400
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30. Development Office, Alabama:

(a) Industrial Development Pro- gram		2,559,000
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(b) Administrative Services Program - Office of Minority Business		160,395
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(c) Alabama Film Commission - Promotional Development Pro- gram		220,000
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The appropriation to the Alabama
Development Office shall include
a transfer to the State Personnel
Department of \$1,757.

SOURCE OF FUNDS:

(1) State General Fund-Transfer Alabama Development Office ..	2,509,000	
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(2) State General Fund-Transfer Office of Minority Business ...	100,000		
(3) State General Fund-Transfer Alabama Film Commission ...	220,000		
(4) Federal, Local and Miscellaneous Funds		<u>110,395</u>	
Total Alabama Development Office	<u>2,829,000</u>	<u>110,395</u>	<u>2,939,395</u>
31. District Attorneys:			
(a) Court Operations Program ...			7,717,092
The proposed spending plan in- cluded in the above total is as fol- lows:			
Salaries of District Attorneys	1,579,760		
Salary of elected Deputy District Attorney of the Bessemer Divi- sion of the 10th Judicial Circuit	39,303		
For use of the Elected Assistant District Attorney of the Bes- semer Division of the 10th Judi- cial Circuit	67,577		
Salaries and expenses of Super- numerary District Attorneys	669,811		
For use in the District Attorney's Office of the 1st Judicial Cir- cuit	87,367		
For use in the District Attorney's Office of the 2nd Judicial Circuit	74,675		
For use in the District Attorney's Office of the 3rd Judicial Circuit	99,003		
For use in the District Attorney's Office in the 4th Judicial Circuit	329,606		
For use in the District Attorney's Office of the 5th Judicial Circuit	235,713		
For use in the District Attorney's Office of the 6th Judicial Circuit	206,260		

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For use in the District Attorney's
Office of the 7th Judicial
Circuit142,743

For use in the District Attorney's
Office of the 8th Judicial
Circuit114,746

For use in the District Attorney's
Office of the 9th Judicial
Circuit108,676

For use in the District Attorney's
Office of the 10th Judicial
Circuit368,687

For use in the District Attorney's
Office of the 11th Judicial
Circuit94,375

For use in the District Attorney's
Office of the 12th Judicial
Circuit167,621

For use in the District Attorney's
Office of the 13th Judicial
Circuit300,575

For use in the District Attorney's
Office of the 14th Judicial
Circuit93,390

For use in the District Attorney's
Office of the 15th Judicial
Circuit351,306

For use in the District Attorney's
Office of the 16th Judicial
Circuit121,494

For use in the District Attorney's
Office of the 17th Judicial
Circuit60,639

For use in the District Attorney's
Office of the 18th Judicial
Circuit164,101

For use in the District Attorney's
Office of the 19th Judicial
Circuit100,290

For use in the District Attorney's
Office of the 20th Judicial
Circuit153,861

For use in the District Attorney's
Office of the 21st Judicial
Circuit94,432

For use in the District Attorney's
Office of the 22nd Judicial
Circuit99,528

For use in the District Attorney's Office of the 23rd Judicial Circuit	257,953
For use in the District Attorney's Office of the 24th Judicial Circuit	93,288
For use in the District Attorney's Office of the 25th Judicial Circuit	88,607
For use in the District Attorney's Office of the 26th Judicial Circuit	156,368
For use in the District Attorney's Office of the 27th Judicial Circuit	118,735
For use in the District Attorney's Office of the 28th Judicial Circuit	87,682
For use in the District Attorney's Office of the 29th Judicial Circuit	127,205
For use in the District Attorney's Office of the 30th Judicial Circuit	132,394
For use in the District Attorney's Office of the 31st Judicial Circuit	91,500
For use in the District Attorney's Office of the 32nd Judicial Circuit	90,213
For use in the District Attorney's Office of the 33rd Judicial Circuit	60,360
For use in the District Attorney's Office of the 34th Judicial Circuit	45,331
For use in the District Attorney's Office of the 35th Judicial Circuit	61,521
For use in the District Attorney's Office of the 36th Judicial Circuit	75,129
For use in the District Attorney's Office of the 37th Judicial Circuit	100,353
For use in the District Attorney's Office of the 38th Judicial Circuit	113,991

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For use in the District Attorney's
Office of the 39th Judicial
Circuit40,923

Appropriations of Salaries of Per-
sonnel Established by Statute
are estimated. Travel Expense of
District Attorney50,000

7,717,092

SOURCE OF FUNDS:

(1) State General Fund 7,717,092

Total District Attorneys 7,717,092 7,717,092

32. Energy, Department of:

(a) Energy Management Program 6,025,612

The appropriation to the Depart-
ment of Energy shall include a
transfer to the State Personnel
Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 625,612

(2) Federal, Local and Miscellane-
ous Funds 5,400,000

Total Department of Energy 625,612 5,400,000 6,025,612

33. Engineers and Land Sur-
veyors, State Board of Registra-
tion for Professional:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 251,229

The appropriation to the State
Board of Registration for Profes-
sional Engineers and Land Sur-
veyors shall include a transfer to
the State Personnel Department
of \$266.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund 251,229

As provided in Title 34, Chapter 11,
1975 Code of Alabama, as
amended and Act No. 1049 1975
Regular Session.

Total State Board of Registration
for Professional Engineers and
Land Surveyors 251,229 251,229

34. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program	233,024
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SOURCE OF FUNDS:

(1) State General Fund	233,024	
Total Alabama Ethics Commission	<u>233,024</u>	<u>233,024</u>

35. Farmers' Market Authority:

(a) Agricultural Development Services Program	166,672
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SOURCE OF FUNDS:

(1) State General Fund—Transfer For Administration	86,672		
(2) Farmers' Market Authority Fund—Revenue and Capital Outlay Account		<u>80,000</u>	
Total Farmers' Market Authority	<u>86,672</u>	<u>80,000</u>	<u>166,672</u>

In addition to the above appropriation there is hereby appropriated \$250,000 to the Farmers' Market Authority for Capital Outlay to be conditioned upon the availability of funds in the State General Fund and upon the approval of the Governor.

36. Finance, Department of:

(a) Fiscal Management Program	2,757,546
(b) Administrative Support Services Program	4,323,405

SOURCE OF FUNDS:

(1) State General Fund	<u>7,080,951</u>	
Total Department of Finance	<u>7,080,951</u>	<u>7,080,951</u>

37. Finance, Department of-Air
Transportation Division:

(a) Administrative Support Services Program	2,050,308
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,000,000		
(2) Departmental Receipts		<u>50,308</u>	
Total Department of Finance-Air Transportation Division	<u>2,000,000</u>	<u>50,308</u>	<u>2,050,308</u>

38. Foreign Trade Relations
Commission:

(a) Special Services Program	100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
Total Foreign Trade Relations Commission	100,000	100,000

39. Forensic Sciences, Department
of:

(a) Forensic Science Services Pro- gram		3,883,717
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The appropriation to the Alabama
Department of Forensic Sciences
shall include a transfer to the
State Personnel Department of
\$4,260.

SOURCE OF FUNDS:

(1) State General Fund	3,833,217		
(2) Federal, Local and Miscellane- ous Funds		50,500	
Total Department of Forensic Sci- ences	3,833,217	50,500	3,883,717

In addition to the above appropri-
ation there is hereby appropriated
\$350,000 to the Department of
Forensic Sciences to be condi-
tional upon the availability of
funds in the State General Fund
and upon the approval of the
Governor.

40. Foresters, Alabama State
Board of Registration for:

(a) Professional and Occupational Licensing and Regulation Pro- gram	17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund.	17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.		
Total Alabama State Board of Reg- istration for Foresters	17,900	17,900

41. Forestry Commission, Ala-
bama:

(a) Forest Resource Protection Program	10,002,268
(b) Forest Resource Management and Development Program	2,124,639
(c) Education and Information Program	512,560

(d) Administrative Services Program 1,730,364

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$24,495.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	8,699,521		
(2) Federal and Local Funds		2,300,700	
(3) Forestry Commission Fund ..		3,369,610	

It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such excess receipts are hereby appropriated. Of the above appropriation \$100,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	<u>8,699,521</u>	<u>5,670,310</u>	<u>14,369,831</u>
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Alabama Forestry Commission to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

42. Fort Morgan—Alabama Historical Commission:

(a) Historical Resources Management Program 625,547

SOURCE OF FUNDS:

(1) State General Fund	125,547		
(2) Federal, Local and Miscellaneous Funds		<u>500,000</u>	

Total Alabama Historical Commission—Fort Morgan	<u>125,547</u>	<u>500,000</u>	<u>625,547</u>
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43. Funeral Services, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program 91,500

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	91,500		
As provided in Title 34, Chapter 13, 1975 Code of Alabama			
Total Alabama Board of Funeral Services	<u>91,500</u>	<u>91,500</u>	

44. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			2,508,878
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,940.

SOURCE OF FUNDS:

(1) State General Fund	1,388,724		
(2) Federal, Local and Miscellaneous Funds		<u>1,120,154</u>	
Total Geological Survey	<u>1,388,724</u>	<u>1,120,154</u>	<u>2,508,878</u>

45. Gorgas Memorial Board:

(a) Historical Resources Management Program			11,200
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SOURCE OF FUNDS:

(1) State General Fund	9,700		
As provided in Title 41, Chapter 9, Section 220 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		<u>1,500</u>	
Total Gorgas Memorial Board ...	<u>9,700</u>	<u>1,500</u>	<u>11,200</u>

46. Governor's Office:

(a) Executive Direction Program			1,378,230
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,378,230</u>		
Total Governor's Office	<u>1,378,230</u>		<u>1,378,230</u>

47. Governor's Office-Legal:

(a) Executive Direction Program			120,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>120,000</u>		
Total Governor's Office-Legal ...	<u>120,000</u>		<u>120,000</u>

48. Governor's Contingency Fund:

(a) Executive Direction Program 352,200

SOURCE OF FUNDS:

(1) State General Fund 352,200

Total Governor's Contingency Fund	352,200	352,200
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49. Governor's Mansion:

(a) Executive Direction Program 209,271

SOURCE OF FUNDS:

(1) State General Fund 209,271

Total Governor's Mansion	209,271	209,271
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50. Governor's Mansion Advisory Board:

(a) Executive Direction Program 10,000

SOURCE OF FUNDS:

(1) State General Fund 10,000

Total Governor's Mansion Advisory Board	10,000	10,000
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In addition to the above appropriation there is hereby appropriated \$1,500,000 to the Governor's Mansion Advisory Board for Capital Outlay to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

51. Health, Department of Public:

(a) Administrative Services Program 3,874,716

(b) Health Support Services Program 34,330,865

Of the above appropriation for the Health Support Services Program, the sum of \$195,794 shall be expended for immunization of preschool children and students and for public school food sanitation.

(c) Personal Health Improvement Program 33,226,081

Provided, however, that of the above appropriation \$991,706 shall be expended only for the

continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

(d) Environmental Health Improvement Program	8,841,115
(e) Special Services Program	2,757,553
(f) Health Planning, Development and Regulation Program	1,481,107

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$102,932.

SOURCE OF FUNDS:

(1) State General Fund	13,661,865	
(2) Cigarette Tax—\$.01		1,900,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(3) Cigarette Tax—\$.02		2,200,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(4) Vital Statistics Fund	1,049,749	
(5) Hospital Licensing Fund	205,700	
(6) Emergency Medical Services Fund		30,000
As provided in Title 22, Chapter 18, Sections 1-7, 1975 Code of Alabama.		
(7) Local Health Departments ...	24,951,684	
(8) Air Pollution Fines	30,000	
(9) Nuclear Monitoring Fund ...	20,000	
(10) Miscellaneous Funds	2,936,438	
(11) Federal Funds	37,526,001	
Total Department of Public Health	<u>13,661,865</u>	<u>70,849,572</u> <u>84,511,437</u>

In addition to the above appropriation there is hereby appropriated \$8,215,000 to the Department of Public Health to be conditional

upon the availability of funds in the State General Fund and upon the approval of the Governor.

Included in the above conditional appropriation of \$8,215,000 to the Department of Public Health, there is hereby appropriated \$215,000 for the Mobile Branch Laboratory.

52. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program	954,270
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The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	278,741		
(2) Federal, Local and Miscellaneous Funds		<u>675,529</u>	
Total State Health Planning and Development Agency	<u>278,741</u>	<u>675,529</u>	<u>954,270</u>

53. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	23,000
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SOURCE OF FUNDS:

(1) State Board of Health—Hearing Aid Fund	23,000
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As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers	<u>23,000</u>	<u>23,000</u>
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54. Highway Department:

(a) Central Administration Program	7,693,436
(b) Division and District Supervision Program	14,686,325
(c) Operations & Support Services Program	6,050,711
(d) Maintenance Program	65,804,608
(e) Non-Programmatic Expenditures	95,157,645

Proposed Spending Plan for the
above (e) includes the following:

Debt Service 94,786,663
Equipment—Other than
Automotive 370,982

(f) Construction—Federal Aid
Program 214,609,000

Proposed Spending Plan for the
above (f) includes the following:

Federal Aid Match-
ing 31,041,000
Non-Participating Work on Fed-
eral Aid Projects 1,000,000
Federal Aid 182,568,000

(g) Construction—State Program 4,434,907

(h) Operations—Land and Building 706,800

The appropriation to the Highway
Department shall include a
transfer to the State Personnel
Department of \$183,819.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	75,000
(2) Public Road and Bridge Fund	176,470,432
(3) Federal Aid	232,598,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$94,786,663 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	409,068,432	409,143,432
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55. Highway and Traffic Safety,
Office of:

(a) Traffic Control and Accident Prevention Program			2,349,828
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The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	64,524		
(2) Federal Funds		2,285,304	
Total Office of Highway and Traffic Safety	64,524	2,285,304	2,349,828

56. Historic Chattahoochee Com-
mission:

(a) Historical Resources Manage- ment Program			113,305
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	64,505		
(2) Federal, Local and Miscellane- ous Funds		48,800	
Total Historic Chattahoochee Commission	64,505	48,800	113,305

In addition to the above appropria-
tion there is hereby appropriated
the sum of \$7,495 to be con-
ditioned on the availability of
funds in the State General Fund
and upon the approval of the
Governor.

57. Historical Commission, Ala-
bama:

(a) Historical Resources Manage- ment Program			1,481,226
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The appropriation to the Alabama
Historical Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$1,704.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	426,330		
(2) Federal, Local and Miscellaneous Funds		<u>1,054,896</u>	
Total Alabama Historical Commission	<u>426,330</u>	<u>1,054,896</u>	<u>1,481,226</u>

58. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program			16,015,336
(b) Unemployment Compensation Program			26,531,551
(c) Administrative Services Program			7,431,843
(d) Industrial Safety and Accident Prevention Program			5,581,836

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$105,328.

SOURCE OF FUNDS:

(1) State General Fund	877,523		
(2) Federal, Local and Miscellaneous Funds		<u>54,683,043</u>	
Total Department of Industrial Relations	<u>877,523</u>	<u>54,683,043</u>	<u>55,560,566</u>

59. Insurance Board, State Employees':

(a) Administrative Support Services Program			85,012
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SOURCE OF FUNDS:

(1) State General Fund	<u>85,012</u>		
Total State Employees' Insurance Board	<u>85,012</u>		<u>85,012</u>

60. Insurance, Department of:

(a) Regulatory Services Program			2,439,896
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund	1,259,670		
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(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Ala- bama			970,300
(3) Fire Marshals' Fund			209,926
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State Gen- eral Fund.			
Total Department of Insurance ..	<u>1,259,670</u>	<u>1,180,226</u>	<u>2,439,896</u>
61. Labor, Department of:			
(a) Regulatory Services Program			330,148
SOURCE OF FUNDS:			
(1) State General Fund	295,148		
(2) Federal, Local and Miscellane- ous Funds		<u>35,000</u>	
Total Department of Labor	<u>295,148</u>	<u>35,000</u>	<u>330,148</u>
62. Lagrange Historical Site- Alabama Historical Commis- sion:			
(a) Historical Resources Manage- ment Program			6,126
SOURCE OF FUNDS:			
(1) State General Fund	2,076		
As provided in Title 41, Chapter 9, Section 270, 1975 Code of Ala- bama.			
(2) Federal and Local Funds		<u>4,050</u>	
Total Alabama Historical Commission-LaGrage Historical Site	<u>2,076</u>	<u>4,050</u>	<u>6,126</u>
63. Landscape Architects, Board of Examiners of:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			7,675
SOURCE OF FUNDS:			
(1) Landscape Architects Fund ..		7,675	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Land- scape Architects		<u>7,675</u>	<u>7,675</u>

64. Law Enforcement Planning
Agency, Alabama:

(a) Law Enforcement Planning
and Development Program 3,427,990

The appropriation to the Alabama
Law Enforcement Planning
Agency shall include a transfer
to the State Personnel Depart-
ment of \$958.

SOURCE OF FUNDS:

(1) State General Fund-Transfer for Matching Federal Funds ...	224,145		
(2) Federal, Local and Miscellane- ous Funds		3,203,845	
Total Alabama Law Enforcement Planning Agency	224,145	3,203,845	3,427,990

65. Liquefied Petroleum Gas
Board:

(a) Regulatory Services Program 201,900

The appropriation to the Liquefied
Petroleum Gas Board shall in-
clude a transfer to the State Per-
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund		201,900	
Total Liquefied Petroleum Gas Board		201,900	201,900

66. Medicaid Agency, Alabama:

(a) Medical Assistance through
Medicaid Program 384,720,625

The appropriation to the Alabama
Medicaid Agency shall include a
transfer to the State Personnel
Department of \$11,182.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	81,600,000		
(2) Transfer—Pensions & Security		1,064,400	
(3) Transfer from Mental Health		30,851,625	
(4) Federal, Local and Miscellane- ous Funds		271,204,600	
Total Alabama Medicaid Agency	81,600,000	303,120,625	384,720,625

In addition to the above appropriation there is hereby appropriated \$11,400,000 to the Alabama Medicaid Agency to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

67. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program	70,193,987
(b) Institutional Treatment and Care—Mental Retardation Program	56,449,034
(c) Institutional Treatment and Care—Criminally Insane Program	3,449,238
(d) Non-Institutional Treatment and Care Program	34,388,381
(Of this amount, \$14,861,186 shall be used for Community Programs.)	
(e) Administrative Services Program	3,847,893

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$256,665.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund	94,694,212
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For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at Alabama State Hospitals.

(2) Special Mental Health Trust Fund—Community Programs	14,861,186
(3) Transfer from ABC Profits	1,000,000
(4) Cigarette Tax—\$.01	930,000
(5) Cigarette Tax—\$.02	4,825,000
(6) Federal, Local and Miscellaneous Funds	52,018,135

Total Department of Mental Health	168,328,533	168,328,533
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In addition to the above appropriation there is hereby appropriated \$18,067,260 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

68. Military Department:

(a) Military Operations Program	4,791,032
(b) Capital Outlay	902,997

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,404,532	
(2) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,031,000	
(3) State General Fund—Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	902,997	
(4) State General Fund-Active Military Service	130,628	
(5) State General Fund-Transfer to Armory Commission	2,214,872	
(6) State General Fund-Dropping Allowance	10,000	
Total Military Department	<u>5,694,029</u>	<u>5,694,029</u>

69. Armory Commission of Alabama:

(a) Military Operations Program	3,334,548
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,214,872
(2) Federal, Local and Miscellaneous Funds	1,119,676

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation

hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	3,334,548	3,334,548
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70. Nursing Home Administration, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program		31,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	31,000	
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As provided in Title 34, Chapter 20, 1975 Code of Alabama.

Total Board of Examiners of Nursing Home Administrators	<u>31,000</u>	<u>31,000</u>
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71. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program		1,330,934
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,330,934</u>	
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Total Oil and Gas Board	<u>1,330,934</u>	<u>1,330,934</u>
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72. Pardons and Parole, Board of:

(a) Administration of Pardons and Paroles Program		7,751,740
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The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel Department of \$10,171.

SOURCE OF FUNDS:

(1) State General Fund	6,383,913	
(2) Probationers Upkeep Fund ..	1,263,488	
(3) Federal, Local and Miscellaneous Funds	<u>104,339</u>	

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Total Board of Pardons and Parole	6,383,913	1,367,827	7,751,740
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73. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program			188,800
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		188,800	
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Total Alabama Peace Officers' Annuity and Benefit Fund	188,800		188,800
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74. Pensions and Security:

(a) Economic Assistance Program			158,872,864
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(b) Social Services Program			85,214,232
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The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$217,952.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,047,336		
(2) Federal, Local and Miscellaneous Funds		162,356,334	
(3) ABC Profits		1,931,457	
(4) Whiskey Tax		19,560,705	
(5) Beer Tax		7,597,000	
(6) Pension Residue		8,990,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		9,720,000	
(9) Contracts, Service Fees		200,000	
(10) Child Support Collections		1,900,000	
(11) Sales Tax for Food Stamps		14,000,000	
(12) Cigarette Tax		4,200,000	
(13) Contractor's Gross Receipts Tax		3,260,164	
(14) Pension Fund		2,100	

Total Pensions and Security	9,047,336	235,039,760	244,087,096
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75. Personnel Department, State:

(a) Administrative Support Program			1,466,333
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	131,847	
(2) Transfer from Department of Aeronautics		266
(3) Transfer from Commission on Aging		852
(4) Transfer from Agriculture and Industries		22,897
(5) Transfer from Agricultural Center Board		692
(6) Transfer from Alcoholic Beverage Control Board		61,344
(7) Transfer from Board of Registration of Architects		106
(8) Transfer from the State Arts Council		532
(9) Transfer from State Banking Department		2,449
(10) Transfer from Finance-Alabama Building Authority ..		1,917
(11) Transfer from Finance-Alabama Building Authority ..		1,651
(12) Transfer from Building Commission		373
(13) Transfer from Civil Defense Department		1,438
(14) Transfer from Coastal Area Board		373
(15) Transfer from Conservation Department		29,926
(16) Transfer from State Licensing Board for General Contractors ..		319
(17) Transfer from Board of Corrections		68,053
(18) Transfer from Board of Cosmetology		479
(19) Transfer from Criminal Justice Information Center		2,662
(20) Transfer from Alabama Dairy Commission		532
(21) Transfer from Alabama Development Office		1,757
(22) Transfer from State Dock ..		31,577
(23) Transfer from Education ...		72,952
(24) Transfer from Department of Energy		1,438

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(25) Transfer From Board of Registration for Professional Engineers and Land Surveyors . . .	266
(26) Transfer From Firefighters Personnel Standards and Education Commission	213
(27) Transfer From Department of Forensic Sciences	4,260
(28) Transfer From Forestry Commission	24,495
(29) Transfer From Geological Survey	3,940
(30) Transfer From Health Department	102,932
(31) Transfer From State Health Planning and Development Agency	1,384
(32) Transfer From Highway Department	183,819
(33) Transfer From Highway and Traffic Safety	532
(34) Transfer From Alabama Historical Commission	1,704
(35) Transfer From Industrial Relations	105,328
(36) Transfer From Insurance Department	3,088
(37) Transfer From Law Enforcement Planning Agency	958
(38) Transfer From Legislative Reference Service	1,118
(39) Transfer From Liquefied Petroleum Gas Board	266
(40) Transfer From Alabama Medicaid Agency	11,182
(41) Transfer From Department of Mental Health	256,665
(42) Transfer From Board of Nursing	639
(43) Transfer From Pardons and Parole Board	10,171
(44) Transfer From Peace Officers Standards and Training Commission	160
(45) Transfer From Pensions and Security	217,952

(46) Transfer From Physical Fitness Commission	213		
(47) Transfer From Board of Physical Therapy	53		
(48) Transfer From Office of State Planning & Federal Programs ..	3,088		
(49) Transfer From Public Library Service	3,088		
(50) Transfer From Public Service Commission	5,804		
(51) Transfer From Publicity and Information	3,195		
(52) Transfer From Alabama Public Television network	4,260		
(53) Transfer From Real Estate Commission	852		
(54) Transfer From Retirement Systems	4,526		
(55) Transfer From Department of Revenue	53,303		
(56) Transfer From Board of Social Work Examiners	53		
(57) Transfer From Surface Mining Reclamation Commission ..	2,183		
(58) Transfer From Department of Youth Services	18,211		
Total State Personnel Department	<u>131,847</u>	<u>1,334,486</u>	<u>1,466,333</u>

75A. Physical Fitness, Commission on:

(a) Advisory Services Program ..	132,840
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The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$213.

SOURCE OF FUNDS:

(1) State General Fund	<u>132,840</u>	
Total Commission on Physical Fitness	<u>132,840</u>	<u>132,840</u>

76. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Program	29,453
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$53.

SOURCE OF FUNDS:

(1) Physical Therapist Fund	29,453		
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.			
Total Board of Physical Therapy .	<u>29,453</u>	<u>29,453</u>	

77. Planning and Federal Pro-
grams, Office of State:

(a) State Planning Program	37,017,286		
(b) State Planning Program- Special Projects	500,000		
(c) Special Services Program	5,500,000		
(d) Regional Planning Commis- sion Program	332,750		

The appropriation to the office of
State Planning and Federal Pro-
grams shall include a transfer to
the State Personnel Department
of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,876,736		
(2) Federal, Local and Miscellane- ous Funds	<u>40,473,300</u>		
Total Office of State Planning and Federal Programs	<u>2,876,736</u>	<u>40,473,300</u>	<u>43,350,036</u>

78. Polygraph Examiners, Board
of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	14,000		
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	14,000		
provided in Title 34, Chapter 25, 1975 Code of Alabama as amended by Act No. 81-222.			
Total Board of Polygraph Examin- ers	<u>14,000</u>	<u>14,000</u>	

79. Prosecution Services, Office of:

(a) Prosecution, Training, Educa- tion and Management Program	471,570		
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SOURCE OF FUNDS:

(1) Office of Prosecution Services Fund	<u>471,570</u>		
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Total Office of Prosecution Services	471,570	471,570
80. Psychology, Alabama Board of Examiners in:		
(a) Professional and Occupational Licensing and Regulation Program		22,700
SOURCE OF FUNDS:		
(1) Board of Examiners of Psychology Fund	22,700	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Psychology	22,700	22,700
81. Public Safety, Department of:		
(a) Traffic Control and Accident Prevention Program		18,628,655
(b) Criminal Investigation Program		3,860,637
(c) Driver's Licensing and Improvement Program		7,526,958
(d) Public Safety Support Services Program		7,860,570
(e) Administrative Services Program		2,011,440
(f) Alabama Criminal Justice Training Center Program		1,653,346
SOURCE OF FUNDS:		
(1) State General Fund	41,541,606	
Total Department of Public Safety	41,541,606	41,541,606
82. Public Service Commission:		
(a) Administrative Services Program		820,000
(b) Regulatory Program		3,868,550
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$5,804.		
SOURCE OF FUNDS:		
(1) Public Service Commission Fund	4,688,550	
The above appropriations to the Alabama Public Service Commission shall be payable only		

from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>4,688,550</u>	<u>4,688,550</u>
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83. Publicity and information,
Bureau of:

(a) Tourism and Travel Promotion Program	2,250,000
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,195.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	500,000
(2) Lodgings Tax (\$.01)	1,750,000

Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information	500,000	1,750,000	2,250,000
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84. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program	627,617
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$852.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated	<u>627,617</u>
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Total Alabama Real Estate Commission	627,617	627,617
85. Revenue Department:		
(a) State Revenue Administration Program		29,750,000
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$53,303.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer As provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments ...	250,000	
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama		398,242
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		310,041
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections		208,476
(5) Transfer from the gross proceeds of Gasoline Tax Collections		2,068,723
(6) Transfer from the Income Tax Collections		6,906,435
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections		1,194,727
(8) Transfer from the gross proceeds of Motor Vehicle License Collections		1,208,092
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		368,843
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		911,414
(11) Transfer from the gross proceeds of Sales Tax Collections ..		9,627,313
(12) Transfer from the gross proceeds of the Tobacco Tax Collections		1,969,831

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(13) Transfer from the gross proceeds of Use Tax Collections ..	940,815
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama	614,737
(15) Local Funds	2,772,311

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount herein above appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	250,000	29,500,000	29,750,000
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86. Revenue-Auto Title and Antitheft:

(a) State Revenue Administration Program	1,064,077
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>1,064,077</u>
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Total Revenue-Auto Title and Antitheft	<u>1,064,077</u>	<u>1,064,077</u>
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87. Revenue-Boards of Equalization:

(a) State Revenue Administration Program	136,800
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SOURCE OF FUNDS:

(1) State General Fund	<u>136,800</u>
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Total Revenue-Boards of Equalization	<u>136,800</u>	<u>136,800</u>
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88. Revenue—Motor Vehicle License:

(a) State Revenue Administration Program	2,145,200
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tax ..	<u>2,145,200</u>
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Total Revenue-Motor Vehicle License	<u>2,145,200</u>	<u>2,145,200</u>
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89. Richmond P. Hobson Memorial
Board—Alabama Historical
Commission:(a) Historical Resources Manage-
ment Program 107,052

SOURCE OF FUNDS:

(1) State General Fund-as pro-
vided in Title 41, Chapter 9, Sec-
tion 221, 1975 Code of Alabama,
and an additional amount 7,052(2) Federal, Local and Miscellane-
ous Funds 100,000Total Alabama Historical
Commission-Richmond P. Hob-
son Memorial Board 7,052 100,000 107,052

90. Secretary of State:

(a) Administrative Support Ser-
vices Program 634,673

SOURCE OF FUNDS:

(1) State General Fund 634,673

Total Secretary of State 634,673 634,673

91. Securities Commission:

(a) Regulatory Services Program 715,192

SOURCE OF FUNDS:

(1) State General Fund 482,298

(2) Industrial Development Bond
Notification Fund 139,602

(3) Sales of Checks License Fund 8,000

(4) Exemption Fund 85,292

Total Securities Commission 482,298 232,894 715,192

92. Social Work Examiners, Ala-
bama State Board of:(a) Professional and Occupational
Licensing and Regulation Pro-
gram 45,667The appropriation to the Alabama
State Board of Social Work
Examiners shall include a trans-
fer to the State Personnel De-
partment of \$53.

SOURCE OF FUNDS:

(1) Alabama State Board of Social
Work Examiners Fund-as pro-
vided in Title 34, Chapter 30,
1975, Code of Alabama 45,667

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Total Alabama State Board of Social Work Examiners		45,667	45,667
93. Soil and Water Conservation Committee Alabama State:			
(a) Water Resources Development Program			663,807
SOURCE OF FUNDS:			
(1) State General Fund	653,807		
(2) Federal, Local and Miscellaneous Funds		10,000	
Total Alabama State Soil and Water Conservation Committee	653,807	10,000	663,807
94. Southern Growth Policies Board:			
(a) Special Services Program			25,300
SOURCE OF FUNDS:			
(1) State General Fund	25,300		
Total Southern Growth Policies Board	25,300		25,300
95. Space Science Exhibit Commission, Alabama:			
(a) Tourism and Travel Promotion Program			356,000
SOURCE OF FUNDS:			
(1) State General Fund Capital Outlay	356,000		
Total Alabama Space Science Exhibit Commission	356,000		356,000
96. Speech Pathology and Audiology, Alabama Board of Examiners for:			
(a) Professional and Occupational Licensing and Regulation Program			16,000
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama		16,000	
Total Alabama Board of Examiners for Speech Pathology and Audiology		16,000	16,000

97. Surface Mining Reclamation
Commission:

- | | |
|--|-----------|
| (a) Industrial Safety and Accident
Prevention Program | 2,816,283 |
|--|-----------|

The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$2,183.

SOURCE OF FUNDS:

- (1) Surface Mining Reclamation Commission Fund- as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission

	<u>2,816,283</u>
--	------------------

Total Surface Mining Reclamation Commission	<u>2,816,283</u>	<u>2,816,283</u>
--	------------------	------------------

98. Tannehill Historical State
Park:

- | | |
|--|---------|
| (a) Historical Resources Manage-
ment Program | 547,700 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|------------------------------|---------|
| (1) State General Fund | 200,000 |
|------------------------------|---------|

- | | |
|---|----------------|
| (2) Federal, Local and Miscellane-
ous Funds | <u>347,700</u> |
|---|----------------|

Total Tannehill Historical State Park	<u>200,000</u>	<u>347,700</u>	<u>547,700</u>
--	----------------	----------------	----------------

99. Tennessee—Tombigbee
Waterway Development Author-
ity:

- | | |
|---|---------|
| (a) Water Resource Development
Program | 476,339 |
|---|---------|

SOURCE OF FUNDS:

- | | |
|------------------------------|---------|
| (1) State General Fund | 165,000 |
|------------------------------|---------|

As provided in Title 33, Chapter 8,
1975 Code of Alabama as
amended.

- | | |
|---|----------------|
| (2) Federal, Local and Miscellane-
ous Funds | <u>311,339</u> |
|---|----------------|

Total Tennessee-Tombigbee Waterway Development Author- ity	<u>165,000</u>	<u>311,339</u>	<u>476,339</u>
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100. Treasurer, State:

(a) Fiscal Management Program 1,414,002

SOURCE OF FUNDS:

(1) State General Fund 1,414,002

Total State Treasurer 1,414,002 1,414,002

101. Uniform State Laws, Commission on:

(a) Special Services Program 4,147

SOURCE OF FUNDS:

(1) State General Fund 4,147

As provided in Title 41, Chapter 9,
Article 12, 1975 Code of Alabama.

Total Commission on Uniform
State Laws 4,147 4,147

102. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program 2,640,610

SOURCE OF FUNDS:

(1) State General Fund 2,640,610

Total Department of Veterans Affairs 2,640,610 2,640,610

103. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational
Licensing and Regulation Program 30,000

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund 30,000

As provided in Title 34, Chapter 29,
1975 Code of Alabama.

Total Alabama State Board of Veterinary Medical Examiners ... 30,000 30,000

104. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational
Licensing and Regulation Program 15,954

SOURCE OF FUNDS:

(1) Operators and Certification Fund 15,954

As provided in Title 22, Chapter 25,
1975 Code of Alabama.

Total Board of Certification for
Water & Waste Water Systems
Personnel

15,954 15,954

105. Water Well Standards Board,
Alabama:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

41,000

SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund

41,000

As provided in Title 22, Chapter 24,
1975 Code of Alabama.

Total Alabama Water Well Stan-
dards Board

41,000 41,000

106. Women's Commission, Ala-
bama:

(a) Employment and Social Oppor-
tunities Program

9,000

SOURCE OF FUNDS:

(1) State General Fund

9,000

Total Alabama Women's Commis-
sion

9,000 9,000

107. Women's Hall of Fame, Ala-
bama:

(a) Historical Resources Manage-
ment Program

6,000

SOURCE OF FUNDS:

(1) State General Fund

6,000

Total Alabama Women's Hall of
Fame

6,000 6,000

108. Peace Officers' Standards and
Training Commission, Alabama:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

116,998

(b) Certified Law Enforcement
Academy Programs

500,000

The appropriation made above for
the Certified Law Enforcement
Academy Program shall be ex-
pended as follows:

Jacksonville State
University140,000

University of Alabama ..140,000
James H. Faulkner Jr.
College140,000
Troy State University
Montgomery80,000
Total\$500,000

The appropriation to the Alabama
Peace Officers Standards and
Training Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$160.

SOURCE OF FUNDS:

(1) State General Fund	316,998		
(2) Alabama Peace Officers' Stan- dards and Training Funds as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended		300,000	
Total Alabama Peace Officers' Standards and Training Com- mission	316,998	300,000	616,998

D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE GENERAL FUND:

1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated	70,000
--	--------

SOURCE OF FUNDS:

(1) State General Fund	70,000	
Total Advertising Lands for Tax Sale	70,000	70,000

2. Arrest of Absconding Felons:

(a) Criminal Investigation Pro- gram Estimated	30,000
---	--------

SOURCE OF FUNDS:

(1) State General Fund	30,000	
Total Arrest of Absconding Felons	30,000	30,000

3. Automatic Appeal Expense:

(a) Legal Advice and legal Service Program, Estimated	500
--	-----

SOURCE OF FUNDS:

(1) State General Fund	500
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As provided in Title 12, Chapter 22,
Sections 150 and 241, 1975 Code
of Alabama

Total Automatic Appeal Expense	500	500
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4. Center for Basic Sciences Re-
ward for Cystic Fibrosis at the
University of Alabama in Bir-
mingham:

(a) Support of State Universities Program		100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
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Total Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Bir- mingham	100,000	100,000
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5. Center for Diagnosis and
Treatment of Congenital Heart
Disease at the University of Ala-
bama in Birmingham:

(a) Support of State Universities Program		100,000
--	--	---------

SOURCE OF FUNDS:

(1) State General Fund	100,000	
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Total Center for Diagnosis and Treatment of Congenital Heart Disease at the University of Ala- bama in Birmingham	100,000	100,000
--	---------	---------

6. Civil Court Costs in Connection
with Ad Valorem Tax Assess-
ments appeals:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
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Total Civil Court Costs in Conne- ction with Ad Valorem Tax As- sessment Appeals	200	200
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7. Consumer Utility Rate Hearing:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund	250,000	
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As provided in title 37, Chapter 1,
Article 1, 1975 Code of Alabama.

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Total Consumer Utility Rate Hearing	<u>250,000</u>	<u>250,000</u>
8. Court Costs—Act No. 558, 1957:		
(a) Court Operations Program, Estimated		8,000
SOURCE OF FUNDS:		
(1) State General Fund	8,000	
Pursuant to Act No. 558, 1957, page 777.		
Total Court Costs-Act No. 558, 1957	<u>8,000</u>	<u>8,000</u>
9. Court Cost Not Otherwise Provided for:		
(a) Legal Advice and Legal Service Program, Estimated		1,020,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,020,000</u>	
Total Court Cost Not Otherwise Provided For	<u>1,020,000</u>	<u>1,020,000</u>
10. Distribution of Public Documents:		
(a) Administrative Support Service Program, Estimated		37,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>37,000</u>	
Total Distribution of Public Documents	<u>37,000</u>	<u>37,000</u>
11. Election Expenses:		
(a) Special Services Program, Estimated		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,410,000</u>	
Total Election Expense	<u>1,410,000</u>	<u>1,410,000</u>
12. Emergency Fund, Departmental:		
(a) Special Services Program		450,000
SOURCE OF FUNDS:		
(1) State General Fund	450,000	
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only		

amount appropriated and the total amount expended under the provisions of said section.)		
Total Departmental Emergency Fund	450,000	450,000
13. Fair Trail Tax Transfer:		
(a) Court Operations Program, Estimated		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
Total Fair Trial Tax Transfer ...	350,000	350,000
14. Feeding of Prisoners:		
(a) Institutional Services-Corrections Program, Estimated		2,000,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000,000	
For expenses of feeding prisoners in county jails		
Total feeding of Prisoners	2,000,000	2,000,000
15. Forest Fire Fund, Emergency:		
(a) Forest Resource Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund Transfer-Act 79-830	180,000	
Total Emergency Forest Fire Fund	180,000	180,000
16. Governors' Conference, National:		
(a) Executive Direction Program		58,190
SOURCE OF FUNDS:		
(1) State General Fund	58,910	
Total National Governors' Conference	58,910	58,910
17. Governor's Councillor:		
(a) Executive Direction Program		39,801
SOURCE OF FUNDS:		
(1) State General Fund	39,801	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.		
Total Governor's Councillor	39,801	39,801
18. Governor's Proclamation Expenses:		

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(a) Executive Direction Program, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Ex- penses	150,000	150,000
19. Governor's Widows Retirement:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governor's Widows Retirement	14,400	14,400
20. Interpreter's Account:		
(a) Court Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account	2,000	2,000
21. Law Enforcement Fund:		
(a) Criminal Investigation Program		8,730
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	8,730	
Total Law Enforcement Fund ...	8,730	8,730
22. Law Enforcement Legal Defense:		
(a) Legal Advice and Legal Services Program		3,600
SOURCE OF FUNDS:		
(1) State General Fund	3,600	
To carry out provisions of Act No. 259, 1957 Regular Session.		
Total Law Enforcement Legal Defense	3,600	3,600
23. Mailing Tax Notices:		
(a) State Revenue Administration Program, Estimated		200

SOURCE OF FUNDS:

(1) State General Fund	<u>200</u>	
Total Mailing Tax Notices	<u>200</u>	<u>200</u>

24. Matching Federal Funds Not
Otherwise Provided for:

(a) Special Services Program		45,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>45,000</u>	
Total Matching Federal Funds Not Otherwise Provided for	<u>45,000</u>	<u>45,000</u>

25. Mental Health Trust Fund,
Alabama Special:

36,099,255

SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>36,099,255</u>	
Total Alabama Special Mental Health Trust Fund	<u>36,099,255</u>	<u>36,099,255</u>

26. Presidential Electoral Ex-
pense:

(a) Administration of Public Doc- uments Program, Estimated ...		1,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,000</u>	
Total Presidential Electoral Ex- pense	<u>1,000</u>	<u>1,000</u>

27. Printing of Code Supplement:

(a) Administration of Public Doc- uments Program, Estimated ...		200,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>200,000</u>	
Total Printing of Code Supplement	<u>200,000</u>	<u>200,000</u>

28. Printing of Legislative Acts
and Journals:

(a) Administrative Support Ser- vices Program, Estimated		390,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>390,000</u>	
Total Printing of Legislative Acts and Journals	<u>390,000</u>	<u>390,000</u>

29. Printing of State and County
Privilege Licenses:

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(a) State Revenue Administration Program, Estimated	14,000
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SOURCE OF FUNDS:

(1) State General Fund	14,000
------------------------------	--------

Total Printing of State and County Privilege License	14,000	14,000
---	--------	--------

30. Public Defenders:

(a) Court Operations Program ..	39,761
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SOURCE OF FUNDS:

(1) State General Fund	39,761
------------------------------	--------

For salaries of Public Defenders for
the 21st Judicial Circuit, as pro-
vided by Act No. 1158, 1969 Reg-
ular Session.

Total Public Defenders	39,761	39,761
------------------------------	--------	--------

31. Registration of Voters:

(a) Special Services Program, Es- timated	600,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund	600,000
------------------------------	---------

Total Registration of Voters	600,000	600,000
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32. Removal of Prisoners:

(a) Administrative Services and Logistical Support Program, Es- timated	187,000
---	---------

SOURCE OF FUNDS:

(1) State General Fund	187,000
------------------------------	---------

Total Removal of Prisoners	187,000	187,000
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33. State Treasurer—Previous
Year's Unpaid Warrants:

(a) Special Services Program, Es- timated	367,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund	367,000
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Total State Treasurer-Previous Year's Unpaid Warrants	367,000	367,000
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E. FINANCIAL ASSISTANCE
TO NON-STATE AGENCIES:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program	3,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Amos Alonzo Stagg Bowl ..	<u>3,850</u>	<u>3,850</u>

2. Appalachian Regional Commission:

(a) Planning Program		195,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>195,000</u>	
Total Appalachian Regional Commission	<u>195,000</u>	<u>195,000</u>

3. Armed Forces Day in Alabama:

(a) Historical Resources Management Program		1,115
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,115</u>	
Total Armed Forces Day in Alabama	<u>1,115</u>	<u>1,115</u>

4. Army Aviation Museum, Fort Rucker, AL:

(a) Historical Resources Management Program		72,750
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SOURCE OF FUNDS:

(1) State General Fund	<u>72,750</u>	
Total Army Aviation Museum, Fort Rucker, AL	<u>72,750</u>	<u>72,750</u>

5. Azalea Trail Festival, Mobile:

(a) Tourism and Travel Promotion Program		2,075
--	--	-------

SOURCE OF FUNDS:

(1) State General Fund	<u>2,075</u>	
Total Mobile Azalea Trail Festival	<u>2,075</u>	<u>2,075</u>

6. Big Nance Creek Water Management District:

(a) Water Resource Development Program		1,867
--	--	-------

SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
Total Big Nance Creek Water Management District	<u>1,867</u>	<u>1,867</u>

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7. Birmingham Chamber Music Society:		
(a) Fine Arts Program		2,075
SOURCE OF FUNDS:		
(1) State General Fund	2,075	
Total Birmingham Chamber Music Society	2,075	2,075
8. Birmingham Festival of Arts, Inc.:		
(a) Fine Arts Program		20,307
SOURCE OF FUNDS:		
(1) State General Fund	20,307	
Total Birmingham Festival of Arts	20,307	20,307
9. Blue and Gray Association, Inc.:		
(a) Tourism and Travel Promotion Program		7,469
SOURCE OF FUNDS:		
(1) State General Fund	7,469	
Total Blue and Gray Association Inc.	7,469	7,469
10. Chilton County Peach Festival:		
(a) Tourism and Travel Promotion Program		10,208
SOURCE OF FUNDS:		
(1) State General Fund	10,208	
Total Chilton County Peach Festival	10,208	10,208
11. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program		2,910
SOURCE OF FUNDS:		
(1) State General Fund	2,910	
Total Choccolocco Creek Watershed Association	2,910	2,910
12. Civil Air Patrol:		
(a) Readiness and Recovery Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	

Total Civil Air Patrol	<u>40,000</u>	<u>40,000</u>
13. Coosa—Alabama River Improvement Association:		
(a) Water Resource Development Program		10,379
SOURCE OF FUNDS:		
(1) State General Fund	<u>10,379</u>	
Total Coosa-Alabama River Improvement association	<u>10,379</u>	<u>10,379</u>
14. Coosa River Action Council, Inc.:		
(a) Water Resource Development Program		8,294
SOURCE OF FUNDS:		
(1) State General Fund	<u>8,294</u>	
Total Coosa River Action Council Inc.	<u>8,294</u>	<u>8,294</u>
15. Deep Sea Fishing Rodeo, Alabama:		
(a) Tourism and Travel Promotion Program		1,246
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,246</u>	
Total Ala. Deep Sea Fishing Radio	<u>1,246</u>	<u>1,246</u>
16. Dorse, Mary E., Recreational and Educational Center:		
(a) Special Services Program		4,850
SOURCE OF FUNDS:		
(1) State General Fund	<u>4,850</u>	
Total Mary E. Dorse Recreational and Educational Center	<u>4,850</u>	<u>4,850</u>
17. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General fund	<u>1,867</u>	
Total Dynne Creek Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>
18. East Alabama Sickle Cell Association:		

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(a) Sickle Cell Education Program 25,000

SOURCE OF FUNDS:

(1) State General Fund 25,000

Total East Alabama Sickle Cell Association	25,000	25,000
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18A. East Alabama Child Development Program:

SOURCE OF FUNDS:

(1) State General Fund 1,150,000

Total East Alabama Child Development Program	1,150,000	1,150,000
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19. Elk Development Agency:

(a) Water Resource Development Program 6,208

SOURCE OF FUNDS:

(1) State General Fund 6,208

Total Elk River Development Agency	6,208	6,208
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20. Elyton Recovery Center:

(a) Non-Institutional Treatment and Care Program 150,350

SOURCE OF FUNDS:

(1) State General Fund-Capital Improvement
 150,350 | |

Total Elyton Recovery Center ...	150,350	150,350
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21. Energy Board, Southern States:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program 20,536

SOURCE OF FUNDS:

(1) State General Fund 20,536

Total Southern States Energy Board	20,536	20,536
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22. Forest Festival, Alabama:

(a) Forest Information and Education Program 4,147

SOURCE OF FUNDS:

(1) State General Fund 4,147

Total Alabama Forest Festival ..	4,147	4,147
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23. George Lindsey Celebrity Benefit, Inc.:

(a) Tourism and Travel Promotion Program	8,294
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SOURCE OF FUNDS:

(1) State General Fund	<u>8,294</u>
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Total George Lindsey Celebrity Benefit, Inc.	<u>8,294</u>	<u>8,294</u>
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24. Gulf Shores Tourist Association:

(a) Tourism and Travel Promotion Program	11,197
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SOURCE OF FUNDS:

(1) State General Fund	<u>11,197</u>
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Total Gulf Shores Tourist Assoc. .	<u>11,197</u>	<u>11,197</u>
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25. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program	10,091
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SOURCE OF FUNDS:

(1) State General Fund	<u>10,091</u>
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Total Guntersville Boat Races ...	<u>10,091</u>	<u>10,091</u>
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26. Hank Williams Memorial Association:

(a) Historical Resources Management Program	4,147
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,147</u>
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Total Hank Williams Memorial Association	<u>4,147</u>	<u>4,147</u>
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27. Helen Keller Property Board:

(a) Historical Resources Management Prog.	27,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>27,500</u>
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Total Helen Keller Property Board.	<u>27,500</u>	<u>27,500</u>
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28. Interstate Mining Commission:

(a) Planning Program	9,722
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SOURCE OF FUNDS:

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(1) State General Fund	<u>9,722</u>	
Total Interstate Mining Commission	9,722	9,722
29. Jefferson County Sickle Cell Foundation, Inc.;		
(a) Sickle Cell Education Program		29,100
SOURCE OF FUNDS:		
(1) State General Fund	<u>29,100</u>	
Total Jefferson County Sickle Cell Foundation, Inc	29,100	<u>29,100</u>
30. Junior Miss Pageant, Inc., America's:		
(a) Tourism and Travel Promotion Program		20,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>20,000</u>	
Total America's Junior Miss Pageant, Inc	20,000	<u>20,000</u>
31. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,867</u>	
Total Ketchepedrakee Creek Watershed Conservancy District	1,867	<u>1,867</u>
32. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program		7,469
SOURCE OF FUNDS:		
(1) State General Fund	<u>7,469</u>	
Total Lake Eufaula Summer Spectacular	7,469	<u>7,469</u>
33. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program		3,733
SOURCE OF FUNDS:		
(1) State General Fund	<u>3,733</u>	
Total Mobile Carnival Association	3,733	<u>3,733</u>
34. Mobile Sickle Cell:		
(a) Sickle Cell Education Program		30,000

SOURCE OF FUNDS:

(1) State General Fund	<u>30,000</u>	
Total Mobile Sickle Cell	<u>30,000</u>	<u>30,000</u>

35. Motor Sports Hall of Fame:

(a) Tourism and Travel Promotion Program		72,750
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SOURCE OF FUNDS:

(1) State General Fund	<u>72,750</u>	
Total Motor Sports Hall of Fame	<u>72,750</u>	<u>72,750</u>

36. Mountain Lakes Tourist Association, Alabama:

(a) Tourism and Travel Promotion Program		19,075
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SOURCE OF FUNDS:

(1) State General Fund	<u>19,075</u>	
Total Mountain Lakes Tourist Association, Alabama	<u>19,075</u>	<u>19,075</u>

37. Pea River Historical and Genealogical Society:

(a) Historical Resources Management Program		4,147
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,147</u>	
Total Pea River Historical and Genealogical Society	<u>4,147</u>	<u>4,147</u>

38. Pea River Watershed Conservancy District:

(a) Water Resource Development Program		1,867
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
Total Pea River Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>

39. Peanut Festival Association, Inc., National:

(a) Tourism and Travel Promotion Program		11,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>11,000</u>	
Total National Peanut Festival Association, Inc.	<u>11,000</u>	<u>11,000</u>

40. Pike County Pioneer Museum Association:

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(a) Historical Resources Management Program		4,147
SOURCE OF FUNDS:		
(1) State General Fund	4,147	
Total Pike County Pioneer Museum Association	4,147	4,147
41. Randolph County Truck Crop Recognition Program:		
(a) Tourism and Travel Promotion Program		829
SOURCE OF FUNDS:		
(1) State General Fund	829	
Total Randolph County Truck Crop Recognition Program	829	928
42. Riverboat Commission, Inc., Montgomery:		
(a) Tourism and Travel Promotion Program		18,673
SOURCE OF FUNDS:		
(1) State General Fund	18,673	
Total Montgomery Riverboat Comm.	18,673	18,673
43. Southern Championship Charity Horseshow:		
(a) Tourism and Travel Promotion Program		4,147
SOURCE OF FUNDS:		
(1) State General Fund	4,147	
Total Southern Championship Charity Horseshow	4,147	4,147
44. Spirit of America Festival, Inc.		
(a) Tourism and Travel Promotion Program		3,735
SOURCE OF FUNDS:		
(1) State General Fund	3,735	
Total Spirit of America Festival, Inc.	3,735	3,735
45. Sports Hall of Fame:		
(a) Historical Resources Management Program		27,645
SOURCE OF FUNDS:		
(1) State General Fund	27,645	
Total Sports Hall of Fame	27,645	27,645

46. Steer Show Association, Alabama State:		
(a) Agricultural Development Services Program		14,550
SOURCE OF FUNDS:		
(1) State General Fund	14,550	
Total Alabama State Steer Stow Association	14,550	14,550
47. Tallacoosa Highland Lakes Association:		
(a) Tourism and Travel Promotion Program		7,469
SOURCE OF FUNDS:		
(1) State General Fund	7,469	
Total Tallacoosa Highland Lakes Association	7,469	7,469
48. TallasseeHatchie Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,649
SOURCE OF FUNDS:		
(1) State General Fund	1,649	
Total TallasseeHatchie Creek Watershed Conservancy District	1,649	1,649
49. Tennessee River Valley Association:		
(a) Water Resource Development Program		11,611
SOURCE OF FUNDS:		
(1) State General Fund	11,611	
Total Tennessee River Valley Assn.	11,611	11,611
50. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program		33,174
SOURCE OF FUNDS:		
(1) State General Fund	33,174	
Total Tennessee Valley Publicity and Improvement Association ..	33,174	33,174
51. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867

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SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
Total Terrapin Creek Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>

52. Travel Council, Alabama:

(a) Tourism and Travel Promotion Program		33,174
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SOURCE OF FUNDS:

(1) State General Fund	<u>33,174</u>	
Total Alabama Travel Council ..	<u>33,174</u>	<u>33,174</u>

53. Tri-Rivers Waterway Development Association:

(a) Water Resource Development Program		22,392
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SOURCE OF FUNDS:

(1) State General Fund	<u>22,392</u>	
Total Tri-Rivers Waterway Development Association	<u>22,392</u>	<u>22,392</u>

54. Vestavia Hills Dogwood Festival and Trail:

(a) Tourism and Travel Promotion Program		2,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,000</u>	
Total Vestavia Hills Dogwood Festival and Trail	<u>2,000</u>	<u>2,000</u>

55. Veterans Day in Alabama:

(a) Historical Resources Management Program		1,659
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,659</u>	
Total Veterans Day in Alabama ..	<u>1,659</u>	<u>1,659</u>

56. Veterans Day Committee, National:

(a) Historical Resources Management Program		5,810
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SOURCE OF FUNDS:

(1) State General Fund	<u>5,810</u>	
Total National Veterans Day Committee	<u>5,810</u>	<u>5,810</u>

57. Y.M.C.A. Youth Legislature:

(a) Special Services Program 15,000

SOURCE OF FUNDS:

(1) State General Fund 15,000

Total Y.M.C.A. Youth Legislature 15,000

58. Anniston Subregional Library
for the Blind and Physically
Handicapped:

(a) Special Services Program 6,000

SOURCE OF FUNDS:

(1) State General Fund 6,000

Total Anniston Subregional Li-
brary for the Blind and Physi-
cally Handicapped 6,000

59. Landmarks Foundation, Inc.:

(a) Historical Resources Manage-
ment Program 7,500

SOURCE OF FUNDS:

(1) State General Fund 7,500

Total Landmarks Foundation, Inc. 7,500

60. Arts hall of Fame, Alabama:

SOURCE OF FUNDS:

(1) State General Fund 6,000

Total Alabama Arts Hall of Fame 6,000

F. DEBT SERVICE FUNDED
FROM THE GENERAL FUND:1. General Obligation Capital Im-
provement Bonds, Series A and
B, Estimated 1,124,048

SOURCE OF FUNDS:

(1) State General Fund-Transfer 1,124,048

Total General Obligation Capital
Improvement Bonds, Series A
and B 1,124,0482. General Obligation Coosa
Waterway Bonds, Series A, Es-
timated 653,873

SOURCE OF FUNDS:

(1) State General Fund-Transfer 653,873

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Total General Obligation Coosa Waterway Bonds, Series A	653,873	653,873
3. General Obligation Docks Facilities Bonds, Series A - C, Estimated		4,548,001
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	4,548,001	
Total General Obligation Docks Facilities Bonds, Series A - C ..	4,548,001	4,548,001
4. Inland Waterway Improvement Bonds, Series A through D, Estimated		314,258
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	314,258	
Total Inland Waterway Improvement Bonds, Series A through D, Estimated	314,258	314,258
5. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated		900,068
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	900,068	
Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated	900,068	900,068
6. Corrections Institution Bonds, Estimated		1,055,875
SOURCE OF FUNDS:		
(1) State General Fund Transfer, Estimated pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session	1,055,875	
Total Corrections Institution Bonds	1,055,875	1,055,875
G. TRANSFERRED AGENCIES:		
1. Academy of Honor, Alabama:		
(a) Historical Resources Management Program		950
SOURCE OF FUNDS:		

(1) State General Fund	<u>950</u>	
Total Alabama Academy of Honor	<u>950</u>	<u>950</u>
2. State Department of Education:		
(a) Hemophilia Program		281,900
(b) Homebound Program		2,171,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,452,900</u>	
Total State Department of Education	<u>2,452,900</u>	<u>2,452,900</u>
3. Environmental Quality Association, Alabama:		
(a) Environmental Education Program		162,750
SOURCE OF FUNDS:		
(1) State General Fund	<u>162,750</u>	
Total Alabama Environmental Quality Association	<u>162,750</u>	<u>162,750</u>
4. Firefighters' Personnel Standards and Education Commission, Alabama:		
(a) Professional and Occupational Licensing and Regulation Program		105,946
The appropriation to the Alabama Firefighters Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$213.		
SOURCE OF FUNDS:		
(1) State General Fund	<u>105,946</u>	
Total Alabama Firefighters' Personnel Standards and Education Commission	<u>105,946</u>	<u>105,946</u>
5. Law Institute, Alabama:		
(a) Support of Other Educational Activities Program		265,939
SOURCE OF FUNDS:		
(1) State General Fund	<u>265,939</u>	
Total Alabama Law Institute	<u>265,939</u>	<u>265,939</u>
6. Industrial Development Training Institute, Alabama:		

(a) Industrial Training Program 1,450,000

SOURCE OF FUNDS:

(1) State General Fund 1,450,000

Total Alabama Industrial Development Training Institute 1,450,000 1,450,000

7. Youth Services, Department of:

(a) Youth Services Program 11,361,083

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) State General Fund 10,280,535

(2) Federal and Local Funds 1,080,548

Total Department of Youth Services 10,280,535 1,080,548 11,361,083

(To be expended in accordance with Act No. 816, 1973 Regular Session). In addition to the above appropriation, \$2,500,000 is hereby appropriated from the State General Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of the Governor.

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1982 for such items, unless approved or reapproved on or after October 1, 1982 by the Director of Finance.

Section 7. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1982.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 176, to-wit:

COMMITTEE AMENDMENT NO. 2 TO SUBSTITUTE FOR S. B. 176

Amend Senate Bill 176 subsection 2-C-23 on page 21 after line 13 by inserting the following:

"In addition to the above appropriation, there is hereby appropriated the sum of \$1,810,642 to the Conservation Department for the Frank Jackson Park, to be conditional upon availability of funds in the State General Fund and upon approval of the Governor."

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

COMMITTEE AMENDMENT NO. 1 TO SUBSTITUTE,
AS AMENDED, FOR S. B. 176

Amend Senate Bill 176 on page 21, after line 13 by adding the following language and figures:

"In addition to the above appropriation, there is hereby appropriated \$350,000 to Frank Jackson Park, to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor."

Which was adopted.

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

Amend to substitute, as amended, for S. B. 176.

Amend Committee substituted, as amended, page 19, Line 35 by striking out line 35 in its entirety;

Further amend Senate Bill 176 as substituted on page 20, line 7 after the word "transfer", by striking the figure "\$2,300,000" and insert in lieu thereof the figure "2,100,000";

Further amend Senate Bill 176 as substituted on page 21, on line 13, by striking all figures after the word "Resources . . ." and insert in lieu thereof the following:

"2100,000 28,340,934 30,440,934";

Further amend Senate Bill 176 as substituted on page 69 by inserting the following after line 8.

"(b) Catfish spanning and disease control methods 200,000"; Further amend Senate Bill 176 as substituted on page 69 by striking the figure "653,807" on lines 10 and 14 and insert in lieu thereof the figure "853,807"; Further amend Senate Bill 176 as substituted on page 69 line 14, by striking the figure "663,807", and insert in lieu thereof the figure "863,807".

Which was adopted.

Messrs. Callahan and deGraffenried offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

Amend Senate Bill 176 on page 48, after line 27 by substituting the following language and figures:

"(a) Institutional Treatment and Care-Mental Illness Program . .	72,693,987
(b) Institutional Treatment and Care-Mental Retardation Pro- gram	58,949,034
(c) Institutional Treatment and Care-Criminally Insane Pro- gram	3,449,238
(d) Non-Institutional Treatment and Care Program	34,388,381
(of this amount, \$13,819,344 shall be used for Community Pro- grams)	

(e) Administrative Services Program 3,847,893

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$256,665.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund 100,736,054

for Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at Alabama State Hospitals.

(2) Special Mental Health Trust Fund-Community Programs ... 13,819,344

(3) Transfer of ABC Profits 1,000,000

(4) Cigarette Tax-1¢ 930,000

(5) Cigarette Tax-2¢ 4,825,000

(6) Federal, Local and Miscellaneous Funds 52,018,135

Total Department of Mental Health 173,328,533 173,328,533

In addition to the above appropriation there is hereby appropriated \$13,067,260 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor."

Which was lost.

Yeas 11; Nays 14.

Yeas:

Messrs.:	Goodwin	Higginbotham	Martin
Callahan	Gulledge	Keener	Robertson
deGraffenried	Hall	Kirkland	White

—11

Nays:

Messrs.:	Harrison	Mitchem	Taylor
Bailey	Holmes	Parsons	Vacca
Denton	Little	Pearson	Weeks
Figures	Miller	Proctor	

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Messrs. St. John and White offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 176

Amend Senate Bill 176 as reported on pages 37 and 37A by striking lines 6-36 on page 37 in their entirety and by striking lines 6-27 on page 37A in their entirety and insert in lieu thereof the following:

"51. Health, Department of Public:

(a) Administration Services Program	3,874,716
(b) Health Support Services Program	34,330,865

Of the above appropriation for the Health Support Services Program, the sum of \$195,794 shall be expended for immunization of preschool children and students and for public school food sanitation.

(c) Personal Health Improvement Program	33,226,081
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Provided, however, that of the above appropriation \$991,706 shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

(d) Environmental Health Improvement Program	8,841,115
(e) Special Services Program	2,757,553
(f) Health Planning, Development and Regulation Program	1,481,107

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$102,932.

(g) Phenylketonuria Children Program	55,000
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For the prevention of mental retardation of Phenylketonuria (PKU) children through special nutrition treatment.

SOURCE OF FUNDS:

(1) State General Fund	13,716,865	
(2) Cigarette Tax -1¢		1,900,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(3) Cigarette Tax-2¢	2,200,000	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(4) Vital Statistics Fund	1,049,749	
(5) Hospital Licensing Fund	205,700	
(6) Emergency Medical Services Fund	30,000	
As provided in Title 22, Chapter 18, Section 1 through 7 1975 Code of Alabama		
(7) Local Health Departments ...	24,951,684	
(8) Air Pollution Fines	30,000	
(9) Nuclear Monitoring Fund ...	20,000	
(10) Miscellaneous Funds	2,936,438	
(11) Federal Funds	<u>37,526,001</u>	
Total Department of Public Health	<u>13,716,865</u>	<u>70,849,572</u> <u>84,566,437"</u>

Which was adopted.

Mr. White offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 176

Amend Senate Bill 176 as substituted by Finance and Taxation on page 98A by striking lines 13 through 19 in their entirety and insert in lieu thereof the following:

"2. State Department of Education:

(a) Hemophilia Program	281,900
(b) Homebound Program	2,171,000
(c) Cystic Fibrosis Treatment Program-All Age Groups In- cluded	270,000

SOURCE OF FUNDS:

(1) State General Fund	<u>2,722,000</u>	
Total State Department of Educa- tion	<u>2,722,900</u>	<u>2,722,900</u>

Which was adopted.

Mr. Teague offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 176

Amend Senate Bill 176 as substituted on page 24 on line 15 by striking the figure "2,080,648" and inserting in lieu thereof the figure "2,294,648".

Further amend Senate Bill 176 as substituted on page 24, line 19 by striking the figures "2,080,648" and "2,564,248" and inserting in lieu thereof the figures "2,294,648" and "2,778,248" respectively.

Further amend Senate Bill 176 as substituted on page 24, line 9 by striking the figure "2,564,248" and inserting in lieu thereof the figure "2,778,248".

Which was adopted.

Mr. Kirkland offered the following amendment to the substitute, as amended, for the Bill, S. B. 176, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 176

Amend Substitute to Senate Bill 176, page 33, line 26 by deleting the figure "\$100,000" and inserting in lieu thereof the figure "\$400,000".

Further amend Substitute to Senate Bill 176, page 33, line 36, by adding the following sentence after the word "Governor."

"Of such conditional appropriation released, 25% shall be expended by the Alabama Forestry Commission for Rural and Community Fire Protection."

Which was adopted.

And said substitute, as thus amended, for the bill, S. B. 176, was then adopted by the Senate.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Goodwin	Keener	Parsons
Bailey	Gulledge	Kirkland	Pearson
Britnell	Hall	Little	Robertson
Callahan	Harrison	Miller	St. John
Denton	Higginbotham	Mitchem	Vacca
Figures	Holmes		

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Nay: Mr. Martin.

—1

POINT OF PERSONAL PRIVILEGE

Mr. Martin stated that his "Nay" vote on the substitute, as amended, for the Bill, S. B. 176, was not a "Nay" vote on the General Fund budget itself, but rather a protest against the fact the the Legislative Fiscal Office was not being given sufficient time to analyze the amendments to the budget in order to determine whether the General Fund would be in arrears.

FURTHER CONSIDERATION OF S. B. 176

The Senate proceeded to further consideration of the Bill, S. B. 176, as amended by the substitute, as amended.

And said Bill, S. B. 176, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 5.

Yeas:

Messrs.:	Gulledge	McDonald	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Higginbotham	Mitchem	Taylor	
deGraffenried	Hilliard	Parsons	Teague	
Denton	Holmes	Pearson	Vacca	
Figures	Keener	Proctor	White	
Goodwin	Little	Robertson		—26

Nays: Messrs., Callahan, Harrison, Kirkland, Martin and Weeks. —5

Mr. Mitchem moved that the Senate reconsider the vote by which the Bill, S. B. 176, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 328. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided such tax is approved by a majority of the qualified electors of the county who vote thereon.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 180. COMMENDING THE JACKSON HIGH SCHOOL AGGIES ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 180, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sandusky, Stewart, Buskey, Turner, Bedsole, Harper T., Kennedy, Parker, Zoghby, Clark W., and McMillan:

H. J. R. 177. NAMING THE MOBILE COUNTY YOUTH CENTER LOCATED IN MOBILE, ALABAMA, THE "JAMES T. STRICKLAND YOUTH CENTER."

WHEREAS, Judge James T. Strickland has served as Circuit Court Judge, 13th Judicial Circuit, since his election in 1970, and has been assigned to the Juvenile Division of the Circuit Court for Mobile County, Alabama; and

WHEREAS, a resident of said county for the past 49 years, Judge Strickland was graduated from Murphy High School and served overseas with the United States Army during World War II; upon discharge, he entered the University of Alabama where he received his Law Degree in 1952 and then entered the private practice of law; and

WHEREAS, Judge Strickland served as Assistant District Attorney for Mobile County from 1955 to 1965, at which time he was appointed to the Bench as Juvenile Court Judge by the Circuit Judges of Mobile County; and

WHEREAS, as Juvenile Court Judge until 1970 and subsequently as Circuit Judge, Juvenile Division, Judge Strickland also, in the area of juvenile justice, has served as past president of the Alabama Council of Juvenile Court Judges, as a member of the Juvenile Correctional Study Committee of the State of Alabama and the Police Action Committee of the National Council of Juvenile Judges, as vice-chairman of the State Youth Services Board and on the Advisory Committee on Juvenile Justice; and

WHEREAS, a member of the Mobile, Alabama, and American Bar Associations, Judge Strickland further is a member of the National Reciprocal and Family Support Enforcement Association and of numerous other professional organizations which he has actively served in various capacities of leadership and advisement; and

WHEREAS, he also is a Methodist, Mason, Shriner and a member of several fraternal and civic organizations; and

WHEREAS, Judge Strickland, who has announced that he soon will retire from the Bench, has served as a distinguished jurist for some 17 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for outstanding service, we hereby name and designate the Mobile County Youth Center located in Mobile, Alabama, the "James T. Strickland Youth Center" and direct that appropriate signs and markers be erected and maintained so designating said facility.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Judge Strickland as a memento of this honorary designation and in token of our utmost regard.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 177, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 181. CREATING A JOINT ALABAMA LEGISLATIVE TRAVEL AND TOURISM CAUCUS.

WHEREAS, in fiscal year 1980-81, travel and tourism generated \$2.3 billion income to travel-related industries resulting in \$463 million in wages and salaries to over 62,000 Alabamians; and

WHEREAS, travel income accounted for more than 17 percent of Alabama's retail sales tax collections, or some \$90 million not including state taxes on gasoline; and

WHEREAS, there is an abundance of natural and man-made recreational facilities and attractions throughout Alabama; and

WHEREAS, transportation systems in the Southeast United States provide more than favorable access in and through Alabama; and

WHEREAS, Alabama can capture a greater share of the travel and tourism market with increased awareness of the economic benefits which can be realized by greater involvement and coordination in promotional activities between the public and private sectors; and

WHEREAS, the entire state and every Alabama legislator's district is affected economically by travel and tourism, either by "pass-through" or destination tourism; and

WHEREAS, The Alabama Bureau of Publicity and Information stands ready to assist in implementation of the permanent organization of an Alabama Joint Legislative Travel and Tourism Caucus; and

WHEREAS, membership and participation in a Joint Alabama Legislative Travel and Tourism Caucus would be of great assistance to each legislator in providing valuable information and facts to assist in making legislative decisions, and would be a means of communication to provide in-put and ideas for Alabama's advancement in this effort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such Caucus now be authorized and that the participation of individual legislators be encouraged.

BE IT FURTHER RESOLVED, That a temporary steering committee and a chairman thereof be appointed by the Speaker of the Alabama House of Representatives for the purpose of presenting to the individual legislators a proposed charter modeled after the U. S. Congressional Travel and Tourism articles dated December 19, 1979.

RESOLVED FURTHER, That each legislator of both Houses be presented with:

- (a) A copy of this joint resolution; and
- (b) A copy of the aforementioned U. S. Congressional Articles; and
- (c) A letter from the steering committee outlining such future action as shall be recommended by the committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 181, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 152. COMMENDING MR. JERRY KOSTELECKY, SR., SILVERHILL CITIZEN OF THE YEAR FOR 1981.

Which was adopted.

MOTION TO ADJOURN

At 5:05, Mr. Hall moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 4, 1982, at 10:30 A.M., which motion was adopted.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 153. CONGRATULATING MR. AND MRS. J. PRESTON WOODY ON THEIR SIXTIETH WEDDING ANNIVERSARY.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 39. To provide for an additional judgeship for the Eleventh Judicial Circuit of Alabama; to provide for the election of the first judge to fill this judgeship at the next general election for state officers; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Eleventh Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Eleventh Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Eleventh Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Bailey	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Goodwin	Kirkland	Pearson	White
Gulledge	Lemaster		

—21

Nays:

—0

ADJOURNMENT

At 5:35 P.M., on motion of Mr. Hall, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 4, 1982, at 10:30 A.M.

SIXTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 4, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Buddy Bell, Associate Minister, Landmark Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

—33

JOURNAL

On motion of Mr. Taylor, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Taylor, leave of absence was granted Mr. Glass for today.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 64, Act 82-83, the Speaker of the House of Representatives announced the appointments of Reps. Bedsole, Seibels and

Cabaniss as House Members of a Legislative Committee to coordinate arrangements for the forthcoming visit of President Reagan to speak before a Joint Session.

JOHN W. PEMBERTON,
Clerk.

COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer of the Senate announced that he has appointed Mr. Proctor to fill the vacancy on the State Safety Coordinating Committee, created by the resignation of Senator Bishop Barron.

The President and Presiding Officer of the Senate announced that he has appointed Mr. Smith to fill the vacancy on the Standing Committee on Banking and Insurance, created by the resignation of Senator Bishop Barron.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson (with notice and proof):

S. 426. To amend Sections 1 and 5 of Act No. 651, H. 1555 of the 1973 Special Session (Acts 1973, p. 972), which created an Industrial Development Authority for Tuscaloosa County so as to provide further for the composition of the board of such authority and to prescribe certain tax exempt status and security for bonds issued by said authority.

By Reps. Mitchell and Johnson (Roy) (with notice and proof):

H. 559. Relating to Tuscaloosa County; amending Act No. 81-1102, H. 29, Third Special Session 1981, entitled, "An Act To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits," and providing for its retroactive effect.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White (with notice and proof):

S. 406. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

By Reps. Waggoner, Bennett, Lewis and Cabaniss (with notice and proof):

H. 330. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100

of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 3. To amend section 36-21-46, Code of Alabama 1975, relating to minimum standards for law enforcement officers, so as to further regulate the training of persons appointed under Chapter 9 of Title 31, Code of Alabama 1975, and to restrict said officers' power of arrest.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 95. To provide a "welfare fraud" act, to make the illegal possession of food stamps and the illegal receipt of money payment or services from state or federally funded programs criminal offenses; and to prescribe penalties for the commission of such offenses.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 206. Proposing an amendment to the Constitution of Alabama of 1901 to legalize the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in the state.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Teague:

S. 309. To provide for an unclaimed vehicle reporting system when said vehicles are left in certain locations; to provide that the Public Safety Department shall administer said system; and to provide for certain fees for failure to report.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (With Substitute):

S. 332. To amend Section 26-7A-1 and 26-7A-10, Code of Alabama, 1975, to provide that all probate courts may, in the exercise of their judicial discretion, appoint a curator for certain persons and provides for the appointment of "limited curators".

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

By Mr. deGraffenried:

S. 360. To provide that the repeal, revision, amendment or alteration of a law shall not affect any prosecution under that law unless the law otherwise expressly provides; to provide that such prosecution shall be governed by the law under which the offense was committed; to provide that in cases when the penalty for the offense has been altered the defendant may elect to take the new penalty, provided such election is made before the case is submitted to the jury.

By Mr. Taylor:

S. 380. To amend Section 35-11-210 of the Code of Alabama 1975, which provides for certain liens for work performed so as to provide further for such liens.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Keener, Callahan and deGraffenried:

S. 428. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

By Messrs. Teague and Goodwin:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 387. To provide for a minimum salary for county commissioners and chairmen of their county commissions.

By Mr. Martin:

S. 317. To provide assistance to county boards of registrars by establishing a statewide voter registration file maintenance system to compile the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at least once at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law; to secure lists of persons who are deceased or convicted of felonies; to provide that any elector who fails to vote at least once in a six year period shall be removed from the active voters list; to repeal voter reidentification laws except those currently in progress.

By Messrs. Taylor, Robertson and Little:

S. 410. To provide that the State Personnel Board, with the approval of the Governor, may provide that the State shall pickup member contributions to the Employee's Retirement System of Alabama and that such contributions shall be treated as employer contributions for federal income tax purposes but shall continue to be treated as before for all other state law purposes.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (With Substitute):

S. 343. To provide for more effective and efficient services to the economically disadvantaged citizens of the state; to create a state Department of Community Services; to prescribe its powers and duties; to provide for the appointment of a director of Community Services as executive and administrative officer, and the appointment of other employees; to provide for the appointment of community action boards to administer certain community action programs authorized by this act; to establish and provide for the State Advisory Council on Economic Opportunity; to authorize the director of Community Services to provide financial assistance to community development entities in certain instances; to prescribe penalties for certain violations; and to provide for certain youth recreation and sports programs.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Goodwin:

S. 199. To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

By Mr. Goodwin (With Amendment):

S. 237. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Educational Trust Fund and to specifically repeal certain conflicting statutes.

By Messrs. Lemaster and Mitchem:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing, disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

BILLS ON THIRD READING

The Bill:

S. 417. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Britnell	Hilliard	McDonald	Teague	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 482. Relating to Marion County; to repeal Act No. 146, H. 416, 1963 Regular Session, which act prohibits the issuance of licenses to money lenders in Marion County under the Small Loan Act (Act No. 374, H. 102, Regular Session 1959; Sections 5-18-1 through 5-18-24, Code of Alabama 1975).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland	Proctor	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 488. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty to any resident of Lamar County on certain beaver trapped or killed in Lamar County; to provide for the administration

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of said fund and bounty system; to prescribe punishment for any person found guilty of falsely making claim for a bounty; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Hall	McDonald		

—25

Nays: —0

The Bill:

H. 505. Relating to Limestone County; providing for the county governing body to reimburse the office of license commissioner, probate judge or tax collector for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Bailey	Hilliard	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Callahan	Keener	Pearson	Vacca
Cook	Kirkland	Proctor	Weeks
Denton	Lemaster	St. John	White
Figures	Little		

—25

Nays: —0

The Bill:

H. 522. Relating to Lamar County; providing for the amount of compensation and expenses to be paid members of the jury commission, board of equalization and the board of registrars; and repealing Act No. 81-191, 1981 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Hilliard	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Cook	Keener	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Goodwin	McDonald		

—25

Nays: —0

The Bill:

S. 199. To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Higginbotham	Martin	Taylor	
Cook	Keener	Miller	Teague	
deGraffenried	Lemaster	Mitchem	White	—15

Nay: Mr. Holmes. —1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 318. Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

Also:

S. 328. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided such tax is approved by a majority of the qualified electors of the county who vote thereon.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 237. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university,

who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Educational Trust Fund and to specifically repeal certain conflicting statutes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 237, to-wit:

COMMITTEE AMENDMENT TO S. B. 237

Amend Senate Bill 237 on Page 1, Line 25, by striking out the following words:

"Special Educational Trust Fund"

and in lieu thereof insert the following words:

"General Fund"

Furthermore, on Page 3, line 6, strike out the following words:

"Special Educational Trust Fund"

and in lieu thereof insert the following words:

General Fund"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Goodwin	Lemaster	Taylor
Britnell	Hall	Little	Vacca
Cook	Higginbotham	Miller	White
deGraffenried	Holmes	Mitchem	

—18

Nays: —0

And said Bill, S. B. 237, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons
Bailey	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Teague
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	White

—23

Nays: —0

The Bill:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing,

disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Smith	
Cook	Higginbotham	Mitchem	Taylor	
deGraffenried	Holmes	Pearson	Vacca	
Denton	Little	Robertson		—18

Nays: —0

RESOLUTION

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 154. COMMENDING THE OPP JAYCEES ON THE SPONSORSHIP OF THEIR FAMOUS RATTLESNAKE RODEO.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 167. CONGRATULATING THE 1981 STATE 4A FOOTBALL CHAMPIONS, DOTHAN'S NORTHVIEW HIGH SCHOOL COUGARS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 153. CONGRATULATING MR. AND MRS. J. PRESTON WOODY ON THEIR SIXTIETH WEDDING ANNIVERSARY.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 173. COMMENDING MRS. HAROLD PATE OF PATE CHAROLAIS RANCH, BURKVILLE, ALABAMA, 1982 PRESIDENT OF THE ALABAMA COWBELLES ASSOCIATION.

Also:

H. J. R. 174. URGING ALABAMA'S U.S. CONGRESSIONAL DELEGATION TO OPPOSE THE PROPOSED BOAT USER FEES AS

DEVELOPED FOR THE U.S. DEPARTMENT OF TRANSPORTATION BY
THE U.S. COAST GUARD.

Also:

H. J. R. 175. COMMENDING THE VESTAVIA HILLS HIGH
SCHOOL MARCHING BAND, ALABAMA'S REPRESENTATIVE TO THE
NATIONAL CHERRY BLOSSOM FESTIVAL IN WASHINGTON, D.C.

Also:

H. J. R. 180. COMMENDING THE JACKSON HIGH SCHOOL
AGGIES ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

On motion of Mr. McDonald, said Resolutions were then concurred in
and adopted by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolu-
tion, to-wit:

S. R. 155. RESOLVED BY THE SENATE That the following bills in
the order named shall be the paramount and continuing order of business
taking precedence over all other matters upon reaching bills on third reading
for the sixteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 322	71	Jeff. inds. site and park projects
S. B. 182	24	St. bd. of education, app't of chancellor
S. B. 179	7	Code of Al., 1981 laws, adopted within
S. B. 397	76	Ins. comp., def. of control
S. B. 264	18	Spotlight, use of at night on roads, penalty
S. B. 265	19	Hunting, deer, nighttime, penalty
S. B. 266	19	Hunting, within 100 yds. of hwy's., pen.
S. B. 267	20	Hunting, nighttime, penalty
S. B. 269	20	Hunting, on land of another, daytime, pen.
S. B. 270	21	Hunting, on land of another, nighttime. penalty
S. B. 379	72	Water and Sewer Boards, int. rate removed exempt
S. B. 143	24	Church schools, reporting of comp. attendance
S. B. 14	8	AL recreation capitol dev. assist. fund
S. B. 8	69	Physical therapy bd., of, suppl. approp.
S. B. 24	52	Motor vehicles, carseats for minors
S. B. 27	16	School bds, vacation for non-teachers
S. B. 341	45	Firefighters, dis. license plates

S. B. 66	17	Driver education elim. to grad.
S. B. 307	71	Ophthalmic materials, sales tax, exempt
S. B. 193	38	Banks, language use of abbreviations
S. B. 210	15	State warrants, destruction of
S. B. 82	6	Liability ins., purchased by st. bds., etc.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 156. COMMENDING MRS. RUBY CALDWELL PICKENS OF ENSLEY, ALABAMA, UPON HER SELECTION AS ONE OF THE OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes the recent selection of Mrs. Ruby Caldwell Pickens as one of the Outstanding Young Women of America of 1981; and

WHEREAS, Mrs. Pickens of Ensley, Alabama, is currently the administrative secretary to the technical dean of Lawson State Community College; and

WHEREAS, as a result of her capabilities and exemplary performance, she has recently been selected to serve on the State Department of Education's Postsecondary Advisory Committee on Policy Matters; and

WHEREAS, in addition to her numerous contributions to the field of education, Mrs. Pickens has provided leadership to others as a member of St. Peter Missionary Baptist Church, where she serves as the president of the No. 2 Usher Board, teacher for the Matrons, No. 2 Choir member and secretary of the Deaconess Board; and

WHEREAS, by being chosen one of the Outstanding Young Women of America of 1981, she has received the recognition that she so obviously deserves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most deeply commend and congratulate Mrs. Ruby Caldwell Pickens for her recent distinction and direct that she receive a copy of this resolution as evidence of our high esteem for her civic and religious service to others.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 83, on page 14 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 83, referred to the Standing Committee on Rules for placement on the Consent Calendar.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 322. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 322, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 322

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

For the promotion of local economic and industrial development, Jefferson County and each municipality situated in said county, shall, other provisions of law or this Constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange or to otherwise convey, on terms approved by the governing body of such county, or municipality, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Jefferson County nor any city in said county to which this amendment is or becomes applicable, shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as

alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to such county, or to any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this State.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-7-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. This amendment shall not become effective unless it be approved by a majority of the electorate of Jefferson County participating in the election for the ratification of this amendment, as provided for in Section 2 above.

Mr. Hall offered the following amendment to the substitute, for the Bill, S. B. 322, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 322

Amend S. B. 322 by adding at the end of Section 1 thereof the following:

"This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the Legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said Legislature."

Which was adopted.

Mr. Hall then offered the following amendment to the substitute, as amended, for the Bill, S. B. 322, to-wit:

AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR S. B. 322

Amend S. B. 322 by adding at the end of Section 1 thereof the following:

"The names and addresses of all parties involved in conveyances of land herein provided and the amounts of any monies paid or received shall be published in the newspaper in the county with the largest circulation."

Which was adopted.

Mr. Hall then offered the following amendment to the substitute, as amended, for the Bill, S. B. 322, to-wit:

AMENDMENT NO. 3 TO SUBSTITUTE, AS AMENDED, FOR S. B. 322

Amend S. B. 322 by adding a new section 4 and renumbering the previous section as section 5.

Section 4. Nothing in this act shall be used to create a port or an airport in Jefferson County.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. deGraffenried offered the following amendment to the substitute, as amended, for the Bill, S. B. 322, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 322

Amend Senate Bill No. 322 by inserting after the word Jefferson County, wherever it shall appear in the title and the bill insert the words

"and Tuscaloosa County

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 11; Nays 1.

Yeas:

Messrs.:	Hilliard	McDonald	Pearson	
Cook	Keener	Mitchem	Proctor	
Goodwin	Martin	Parsons	White	—11

Nay: Mr. Hall. —1

And said Bill, S. B. 322, as thus amended by the substitute, as amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Gulledge	McDonald	Robertson	
Callahan	Harrison	Miller	Smith	
Cook	Hilliard	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Pearson	White	—23

Nay: Mr. Hall. —1

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 322, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. White:

S. 437. To provide that in all civil actions for personal injury, death, or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible and to provide that evidence of the cost of obtaining such reimbursement shall be admissible.

Committee on Banking and Insurance.

By Mr. White:

S. 438. To require homeowners insurance policies and other policies providing comprehensive personal liability insurance to include coverage against liability for the payment of any obligation which the policyholder may incur to an injured domestic servant or household employee or the dependents thereof.

Committee on Banking and Insurance.

By Mr. Cook:

S. 439. To create three additional circuit judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 440. To amend Section 2-15-173, Code of Alabama 1975, which provides for payment of the expense of the suppression or eradication of livestock diseases to be paid from the agricultural fund; to require that the expense of presenting, catching, confining, quarantining, penning and gathering of livestock to be tested or treated by the Commissioner of Agriculture and Industries shall be borne by the owners of the livestock; to provide that upon the refusal of the owner to present, gather, pen, quarantine or confine his livestock, the Commissioner of Agriculture and Industries may bear this expense and then sell at auction enough of the livestock to defray these expenses.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Little:

S. 441. To authorize voluntary income tax check-off for support of the arts; to establish the Arts Development Fund from the net proceeds generated from such contributions; to provide for the distribution of such funds to certain tax exempt organizations or associations which encourage the development of high quality and significant art and cultural activities or facilities; to prescribe certain responsibilities for the Commissioner of Revenue in collecting such funds and forwarding the proceeds to the State Treasurer for deposit in the general fund of the state treasury in a fund designated "Arts Development Fund"; to provide for continuous appropriations from such fund to the Council on the Arts and Humanities for the purposes of this act and Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975, relating to the powers, duties and responsibilities of the said council; to prescribe the substantial content for tax returns to provide for such contributions; to provide that such funds shall be supplemental and shall not be construed to be in lieu of annual appropriations; and to provide for an effective date.

Committee on Finance and Taxation.

By Mr. Keener:

S. 442. To amend Section 37-3-2, Code of Alabama 1975, which relates to the definitions pertaining to the regulation of motor vehicle carriers, so as to include within said section a definition of "fixed termini."

Committee on Commerce, Transportation,
and Utilities.

By Mr. deGraffenried:

S. 443. To provide for jurisdiction of courts and venue in child custody cases where both parties to an original divorce proceeding and the child are physically before the court.

Committee on Judiciary.

By Mr. Little:

S. 444. To repeal Sections 11-89A-1 through 11-89A-25, Code of Alabama 1975, which provide for solid waste disposal authorities.

Committee on Governmental Affairs.

By Mr. Weeks:

S. 445. To amend further Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975, relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees, so as to provide further for the mode and method of paying such fees and charges; to provide further for delinquent payments and interest thereon; and to provide for collection of sums 30 days or more in arrears.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Bailey, Miller, Kirkland, Parsons, Little, Harrison, Robertson, Hilliard and Figures:

S. 446. To provide a salary increase by the State for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date.

Committee on Finance and Taxation.

By Messrs. Holmes and Robertson:

S. 447. To provide further for the assessment and collection of ad valorem taxes on certain real property which has been improved with a new residential structure constructed for re-sale.

Committee on Finance and Taxation.

By Messrs. Holmes and Robertson:

S. 448. To propose an amendment to the Constitution of Alabama of 1901 limiting the amount of increase in value that may be assessed against any property in the State subject to ad valorem taxation.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Robertson and Harrison:

S. 449. To amend further Section 40-9-1, Code of Alabama 1975, relating to exemptions from ad valorem taxation, so as to provide for further exemptions.

Committee on Finance and Taxation.

By Mr. Teague:

S. 450. To amend sections 14-9-41, 14-9-43 and 14-9-44 of the Code of Alabama 1975, relating to the Alabama Correctional Incentive Time Act so as to provide further for the classification and reclassification of certain inmates; to provide that the court sentencing a person under the provisions of section 13A-5-9 shall note such sentence on the court transcript; and to provide that all courts sentencing a person to prison under this act shall use the transcript provided by the department of corrections.

Committee on Judiciary.

By Mr. Parsons:

S. 451. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the others referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

Committee on Judiciary.

By Mr. Weeks:

S. 452. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 153. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 90. HONORING MR. ARTHUR HAMPTON COKER, JR., PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 127. CONGRATULATING AND COMMENDING ALABAMA'S 1981 STATE 3A FOOTBALL CHAMPIONS, THE EUFAULA HIGH SCHOOL TIGERS.

Also:

S. J. R. 134. CONGRATULATING OUR COLLEAGUE, SENATOR BISHOP BARRON, UPON HIS APPOINTMENT TO THE COURT OF CRIMINAL APPEALS.

Also:

S. J. R. 137. NOTING THE RETIREMENT OF MR. JACK W. SMITH FOLLOWING A CAREER IN STATE SERVICE OF MORE THAN 42 YEARS.

Also:

S. J. R. 138. COMMENDING MR. RAY P. SMITH UPON HIS RETIREMENT AS DIVISION MATERIALS ENGINEER WITH THE ALABAMA STATE HIGHWAY DEPARTMENT.

Also:

S. J. R. 139. HONORING FORMER ALABAMIAN, MAJOR GENERAL ARTHUR E. BROWN, JR.

Also:

S. J. R. 141. MOURNING THE DEATH OF MRS. LILLIE MAE DENTON, MOTHER OF SENATOR BOBBY DENTON.

Also:

S. J. R. 85. CONGRATULATING MISS LINDA ZOGHBY OF MOBILE, ALABAMA ON HER DEBUT PERFORMANCE WITH THE NEW YORK METROPOLITAN OPERA.

Also:

S. J. R. 151. RECOGNIZING MARCH 18, 1982, AS AGRICULTURAL DAY, 1982, IN THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Kelley:

H. J. R. 185. CREATING A JOINT LEGISLATIVE COMMITTEE TO EVALUATE METHODS OF INFORMATION PROCESSING, RETRIEVAL AND DISSEMINATION AND TO MAKE RECOMMENDATIONS TO THE LEGISLATURE.

WHEREAS, the workload and paperwork of the legislative staff is growing in volume and complexity; and

WHEREAS, the demand by the general public, state and national agencies for quick answers concerning legislative information is great; and

WHEREAS, modern technology has developed new and complicated methods of information processing, methods whose usefulness to the state may be immense; and

WHEREAS, there is a need for the legislature to study the most advanced methods of information processing, retrieval and dissemination; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative committee to evaluate methods of information processing, retrieval and dissemination. Said committee shall be composed of five members of the House of Representatives appointed by the Speaker of the House of Representatives and five members of the Senate appointed by the President of the Senate. The members of the committee shall select a chairman. The Clerk of the House of Representatives and the Secretary of the Senate shall be ex officio committee members for purposes of advice and counsel.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member shall be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be limited to \$5,000 and paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

The committee shall study various data processing methods capable of handling legislative information; methods of distributing legislative information to governmental agencies and the general public; the procedure used in other states to process, retrieve and disseminate legislative information, and all feasible systems of information gathering, evaluation and distribution.

The committee shall report its findings and recommendations to the legislature by the 30th legislative day of the 1982 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 185, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drinkard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 189. DESIGNATING MARCH 13, 1982, AS "DANNY FORD DAY IN ALABAMA," AND PROVIDING FOR THE RETIREMENT OF HIS GADSDEN HIGH SCHOOL FOOTBALL JERSEY NUMBER 81.

WHEREAS, Coach Danny Ford of Clemson University is a native of Alabama and of Gadsden where he was an outstanding member of Gadsden High School's varsity football squad; and

WHEREAS, Danny Ford, who wore jersey number 81 for Gadsden High, was named All-State in 1965; in 1969 he served as captain of the University of Alabama Crimson Tide football team and was named All-Southeastern Conference; and

WHEREAS, Coach Ford premiered his career as a Head Football Coach with a Gator Bowl victory by his Clemson Tigers over Ohio State University; and

WHEREAS, following a perfect 1981 season and an Orange Bowl victory over Nebraska, Coach Ford's Tigers were consensus National Champions of the Associated Press, United Press International and Eastman Kodak; they also were the recipients of the McArthur Bowl Award and Coach Ford was named 1981 NCAA Coach of the Year; and

WHEREAS, as one of our nation's most outstanding college football coaches, Danny Ford is indeed a credit to our state and to his hometown of Gadsden, Alabama, which has proclaimed March 13, 1982, as "Danny Ford Day" in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation also of Coach Ford's outstanding accomplishments, we hereby name and designate March 13, 1982, as "Danny Ford Day in Alabama"; we further direct that upon graduation of the present wearer of jersey number 81, said jersey shall be retired in fitting tribute to Coach Ford, an illustrious alumnus of Gadsden High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Ford with a copy also provided for appropriate display at Gadsden High School.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 189, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Shavers, Hall and Stout:

H. J. R. 186. COMMENDING THE PISGAH LADY EAGLES, STATE 2A GIRLS BASKETBALL CHAMPIONS.

Also:

By Rep. Harvey:

H. J. R. 187. COMMENDING MR. HAL C. BUCKELEW, ONEONTA CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

Also:

By Rep. Naramore:

H. J. R. 188. COMMENDING THE HALEYVILLE HIGH SCHOOL GIRLS BASKETBALL TEAM, STATE 3A CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 186, 187, and 188, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RECESS

At 11:55 A.M., on motion of Mr. Goodwin, the Senate took a recess until 1:15 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 116. Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 124. Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

Also:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

Also:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

Also:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 482. Relating to Marion County; to repeal Act No. 146, H. 416, 1963 Regular Session, which act prohibits the issuance of licenses to money lenders in Marion County under the Small Loan Act (Act No. 374, H. 102, Regular Session 1959; Sections 5-18-1 through 5-18-24, Code of Alabama 1975).

Also:

H. 488. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty to any resident of Lamar County on certain beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system; to prescribe punishment for any person found guilty of falsely making claim for a bounty; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046).

Also:

H. 505. Relating to Limestone County; providing for the county governing body to reimburse the office of license commissioner, probate judge or tax collector for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Also:

H. 522. Relating to Lamar County; providing for the amount of compensation and expenses to be paid members of the jury commission, board of equalization and the board of registrars; and repealing Act No. 81-191, 1981 Regular Session.

Also:

H. J. R. 167. CONGRATULATING THE 1981 STATE 4A FOOTBALL CHAMPIONS, DOTHAN'S NORTHVIEW HIGH SCHOOL COUGARS.

Also:

H. J. R. 173. COMMENDING MRS. HAROLD PATE OF PATE CHAROLAIS RANCH, BURKVILLE, ALABAMA, 1982 PRESIDENT OF THE ALABAMA COWBELLES ASSOCIATION.

Also:

H. J. R. 174. URGING ALABAMA'S U.S. CONGRESSIONAL DELEGATION TO OPPOSE THE PROPOSED BOAT USER FEES AS DEVELOPED FOR THE U.S. DEPARTMENT OF TRANSPORTATION BY THE U.S. COAST GUARD.

Also:

H. J. R. 175. COMMENDING THE VESTAVIA HILLS HIGH SCHOOL MARCHING BAND, ALABAMA'S REPRESENTATIVE TO THE NATIONAL CHERRY BLOSSOM FESTIVAL IN WASHINGTON, D.C.

Also:

H. J. R. 180. COMMENDING THE JACKSON HIGH SCHOOL AGGIES ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Messrs. Pearson and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 157. COMMENDING THE HOMEWOOD HIGH SCHOOL PATRIOT BAND FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature expresses its sincere pride in the accomplishments of the Homewood High School Patriot Band and, most particularly, in the band's representation of the State of Alabama in the famous Macy Thanksgiving Day Parade in New York City; and

WHEREAS, under the talented direction and tutelage of Band Director Pat Morrow, the Patriot Band has consistently ranked Superior in all competition, including Gadsden's Mid-South Marching Festival, and in other contests district-wide; and

WHEREAS, this outstanding Alabama Marching Band, which numbers some 190 members, also features the Star Spangled Girls and a Color Guard, choreographed by Cindy Wade and Darryl Ussery respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Homewood High School Patriot Band and heartily congratulate the group on its numerous awards and honors.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Homewood High School, with a copy also sent to Band Director Pat Morrow, on behalf of the Patriot Band, and in token of our appreciation of their accomplished representation of the State of Alabama in the Macy Thanksgiving Day Parade.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 182. To provide authority for the state board of education to appoint a chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set the salary of its chief executive officers; establish the authority of the board and chancellor regarding the junior colleges and trade schools and the office of the chancellor; and provide authority for administrative actions necessary to govern the Junior Colleges and Trade Schools.

was taken up.

Mr. Miller offered the following amendment to the Bill, S. B. 182, to-wit:

AMENDMENT TO S. B. 182

Amend Senate Bill No. 182 Page 2 Line 24, by inserting before the word "is" the following:

"has had previous experience in the administration and operation of junior colleges and technical schools and"

On motion of Mr. Mitchem, said amendment was laid on the table.

Mr. Kirkland offered the following amendment to the Bill, S. B. 182, to-wit:

AMENDMENT TO S. B. 182

Amend Senate Bill No. 182 Page 2 by adding the following sentence at the end of Section 4.

"Provided however that said person shall be a resident of the state of Alabama, or a native Alabamian or shall have received a degree from an institution of higher learning with the State of Alabama."

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 18; Nays 4.

Yeas:

Messrs.:	Gulledge	Keener	Mitchem	
Bailey	Hall	Lemaster	Robertson	
Britnell	Higginbotham	Little	Vacca	
deGraffenried	Hilliard	Martin	White	
Goodwin	Holmes	McDonald		—18

Nays: Messrs.: Callahan, Kirkland, Proctor and Weeks. —4

Mr. Proctor offered the following amendment to the Bill, S. B. 182, to-wit:

AMENDMENT TO S. B. 182

Amend Senate Bill No. 182 Page 2 Line 18, by striking out after the word the "Board" and insert in lieu thereof "Governor and confirmed by the Alabama Senate".

and on Line 19 strike out after the word "Board" and insert in lieu thereof "Governor and Alabama Senate".

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate non-concurred in the following House amendment to the Bill, S. B. 123, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 123

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Social Work Examiners as provided in sections

34-30-1 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend section 34-30-22 so as to provide further for the qualifications for applicants for licensure.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Social Work Examiners, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-30-1 through 34-30-58, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Social Work Examiners, created and functioning pursuant to sections 34-30-1 through 34-30-58 of the Code of Alabama 1975 are hereby continued.

Section 4. Section 34-30-22 of the Code of Alabama 1975 are hereby amended to read as follows:

§34-30-22. The state board of social work examiners shall issue a license as a 'licensed bachelor social worker,' a 'licensed graduate social worker' or a 'licensed certified social worker' to an applicant who:

"(1) Is at least 19 years of age;

"(2) Has paid an initial examination fee established by the board;

"(3) Has passed an examination prepared by the state board for that purpose;

"(4) Has ascribed to a professional code of ethics developed and adopted by the board; and

"(5) Meets the following additional requirements for the level at which they are applying to be licensed:

"a. Bachelor social worker:

"1. Has a baccalaureate degree from an accredited college or university including completion of a social work program approved or accredited by the council on social work education; or

"2. For a period of six years from May 23, 1977 an applicant may be licensed who has a baccalaureate degree from an accredited college or university and has successfully completed two years of full-time continuous employment in a social work position under supervision approved by the board.

"b". Graduate social worker: has a master of social work or a doctor of social work from an accredited college or university, approved or accredited by the council on social work education.

"c". Certified social worker:

"1. Has a master of social work or a doctor of social work from an accredited college or university approved or accredited by the council on social work education; and

"2. Has had at least two years of post-master or doctorate experience in the practice of social work under the supervision of a licensed certified social worker."

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. and requested a Committee on Conference.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Britnell	Holmes	Martin	Smith	
deGraffenried	Keener	Miller	Vacca	
Goodwin	Kirkland	Mitchem	Weeks	
Gulledge	Lemaster	Proctor	White	
				—19
				—0

Nays:

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Smith, Teague, and Parsons.

FURTHER CONSIDERATION OF S. B. 182

The Senate proceeded to further consideration of the Bill, S. B. 182, and pending amendment offered by Mr. Proctor.

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 21; Nays 8.

Yeas:

Messrs.:	Goodwin	Martin	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Higginbotham	Mitchem	Taylor	
deGraffenried	Hilliard	Pearson	Vacca	
Denton	Lemaster	Robertson	White	
Figures	Little			—21

Nays:

Messrs.:	Holmes	Kirkland	Teague	
Callahan	Keener	Proctor	Weeks	
Harrison				—8

Mr. deGraffenried offered the following amendment to the Bill, S. B. 182, to-wit:

AMENDMENT TO S. B. 182

Amend Senate Bill No. 182 Page 2 Line 18, by inserting after the word chancellor, delete the period and add the following:

"and the individual appointed shall be confirmed by the Alabama State Senate.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Harrison	McDonald	Taylor	
Britnell	Higginbotham	Miller	Teague	
Callahan	Keener	Mitchem	Vacca	
deGraffenried	Kirkland	Pearson	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little	St. John		—26

Nays: —0

And said Bill, S. B. 182, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John	
Bailey	Higginbotham	Martin	Smith	
Britnell	Hilliard	McDonald	Taylor	
deGraffenried	Holmes	Miller	Teague	
Denton	Keener	Mitchem	Vacca	
Figures	Kirkland	Pearson	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge				—28

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 85. CONGRATULATING MISS LINDA ZOGHBY OF MOBILE, ALABAMA ON HER DEBUT PERFORMANCE WITH THE NEW YORK METROPOLITAN OPERA.

Also:

S. J. R. 90. HONORING MR. ARTHUR HAMPTON COKER, JR., PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 134. CONGRATULATING OUR COLLEAGUE, SENATOR BISHOP BARRON, UPON HIS APPOINTMENT TO THE COURT OF CRIMINAL APPEALS.

Also:

S. J. R. 137. NOTING THE RETIREMENT OF MR. JACK W. SMITH FOLLOWING A CAREER IN STATE SERVICE OF MORE THAN 42 YEARS.

Also:

S. J. R. 138. COMMENDING MR. RAY P. SMITH UPON HIS RETIREMENT AS DIVISION MATERIALS ENGINEER WITH THE ALABAMA STATE HIGHWAY DEPARTMENT.

Also:

S. J. R. 139. HONORING FORMER ALABAMIAN, MAJOR GENERAL ARTHUR E. BROWN, JR.

Also:

S. J. R. 141. MOURNING THE DEATH OF MRS. LILLIE MAE DENTON, MOTHER OF SENATOR BOBBY DENTON.

Also:

S. J. R. 151. RECOGNIZING MARCH 18, 1982, AS AGRICULTURAL DAY, 1982, IN THE STATE OF ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 189. DESIGNATING MARCH 13, 1982, AS "DANNY FORD DAY IN ALABAMA," AND PROVIDING FOR THE RETIREMENT OF HIS GADSDEN HIGH SCHOOL FOOTBALL JERSEY NUMBER 81.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 181. CREATING A JOINT ALABAMA LEGISLATIVE TRAVEL AND TOURISM CAUCUS.

The Standing Committee on Rules then reported the following amendment to the Resolution, H. J. R. 181, to-wit:

AMENDMENT TO H. J. R. 181

On page 2, delete lines 16 through 21 in their entirety and insert in lieu thereof the following language:

BE IT FURTHER RESOLVED, That a joint temporary steering committee be appointed for the purpose of presenting to the individual legislators a proposed charter modeled after the U.S. Congressional Travel and Tourism articles dated December 19, 1979. Said committee shall consist of three members of the House of Representatives to be appointed by the Speaker and three members of the Senate to be appointed by the Lieutenant Governor. The committee shall elect a chairman from its members.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 181, as thus amended, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, as presently existing.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 139, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 139

Amend Senate Bill 139, page 1, line 18, after the word "existing" by deleting the period and adding the following:

until October 1, 1984.

Further amend the bill, page 1, Section 3, line 34, after the period by adding the following:

The Board of Nursing, as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975, shall automatically terminate on October 1, 1984, unless a bill is passed that it be continued, modified or reestablished.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Hilliard	Miller	Taylor
Bailey	Holmes	Mitchem	Teague
Goodwin	Kirkland	Robertson	Vacca
Hall	Lemaster	St. John	Weeks
Harrison	Little	Smith	White

Nay: Mr. Callahan.

—1

BILLS ON THIRD READING RESUMED

The Bill:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code and the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Harrison	Martin	Smith
Callahan	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Teague
Denton	Kirkland	Parsons	Weeks
Goodwin	Lemaster	Robertson	White

—23

Nays:

—0

The Bill:

S. 397. To amend Section 27-29-1, Code of Alabama, 1975 to provide the "control" of an Alabama insurer shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of such insurer and to provide that for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor
Britnell	Keener	Parsons	Teague
deGraffenried	Kirkland	St. John	White
Gulledge	Little	Smith	

—14

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 192. COMMENDING THE UNIVERSITY OF ALABAMA BLAZERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

By Rep. Waggoner:

H. J. R. 193. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolutions, H. J. R.'s 192 and 193, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MOTION TO ADJOURN LOST

At 3 o'clock P.M., Mr. Miller moved that the Senate adjourn, which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 264. To amend Section 32-5-17, Code of Alabama 1975, relating to the use of spotlights on roads at night, so as to alter the hours and the type of roads to which said section applies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Robertson
Bailey	Harrison	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Callahan	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Gulledge			

—24

Nays:

—0

The Bill:

S. 265. To amend Section 9-11-252, Code of Alabama 1975, relating to the penalties for the violation of sections 9-11-250 (taking deer from public waters) or 9-11-251 (taking deer at night), so as to increase and amend penalties for the violation thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Proctor
Bailey	Higginbotham	Martin	Robertson
Britnell	Hilliard	McDonald	Smith
Callahan	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Teague
Denton	Kirkland	Parsons	White
Gulledge	Lemaster		

—25

Nays: —0

The Bill:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of public roads, so as to increase penalties for the violation thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Higginbotham	Martin	Proctor
Bailey	Holmes	McDonald	Robertson
deGraffenried	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Parsons	White
Gulledge	Little		

—21

Nay: Mr. Hall. —1

The Bill:

S. 267. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to increase and amend certain penalties for the violation thereof.

was taken up.

On motion of Mr. Robertson, further consideration of the Bill, S. B. 267, was postponed temporarily.

The Bill:

S. 269. To amend Section 9-11-241, Code of Alabama (1975), relating to daytime hunting on the lands of another, so as to increase certain penalties for the violation thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Hall	Keener
Bailey	Goodwin	Higginbotham	Kirkland
Britnell	Gulledge	Holmes	Lemaster
Callahan			

Little	Mitchem	Robertson	Taylor	
Martin	Parsons	St. John	Weeks	
McDonald	Proctor	Smith	White	
				—24

Nays: —0

The Bill:

S. 270. To amend Section 9-11-242, Code of Alabama (1975), relating to nighttime hunting on the lands of another, so as to increase penalties for the violation thereof.

was a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Taylor	
Bailey	Hall	Little	Teague	
Britnell	Higginbotham	Martin	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Goodwin	Kirkland	Robertson		—22

Nays: —0

MOTION IN WRITING LOST

Mr. Bailey requested permission to suspend the Rules and offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 106, on page 37 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill No. 368 without the Governor's signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,
Legal Advisor.

Done this 25th day of February, 1982.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 368, without my signature and approval and with the following suggested Executive Amendment:

On page 1 at line 16, add the word "non-exclusive" before the first word on that line so that line 16 reads: "nonexclusive television cable system and to furnish television cable"

On page 1 at line 18, strike the entire line and substitute therefor: "unincorporated areas of Etowah County not served by an existing cable television system or systems;"

On page 1 at line 34, add the word "nonexclusive" before the first word on that line so that line 34 reads: "nonexclusive television cable system and to furnish television cable"

On page 1 at line 36, strike the entire line and substitute therefor: "unincorporated areas of Etowah County not then served by an existing cable television system or systems."

On page 3 at line 29, add the word "mutually" before the word "agree" so that line 29 reads: "the right to mutually agree with any person furnishing television"

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 40, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, and said vote being: Yeas 43, Nays 0.

And said Bill, H. 368, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 368, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	McDonald	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Hilliard	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 368, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	McDonald	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Hilliard	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF S. B. 267

The Senate proceeded to further consideration of the Bill, S. B. 267.

Mr. St. John offered the following amendment to the Bill, S. B. 267, to-wit:

AMENDMENT TO S. B. 267

Amend Senate Bill 267 as follows:

On page 2, after line 14 add the following:

No provision of this act shall be construed to prohibit the nighttime hunting of foxes with dogs.

Which was adopted.

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Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	St. John
Bailey	Higginbotham	Mitchem	Smith
deGraffenried	Keener	Parsons	Taylor
Denton	Kirkland	Pearson	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little	Robertson	White
Hall			

—24

Nays: —0

And said Bill, S. B. 267, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Bailey	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Teague
Denton	Kirkland	Proctor	Vacca
Goodwin	Lemaster	Robertson	Weeks
Gulledge	Little	St. John	White
Hall			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 189. DESIGNATING MARCH 13, 1982, AS "DANNY FORD DAY IN ALABAMA," AND PROVIDING FOR THE RETIREMENT OF HIS GADSDEN HIGH SCHOOL FOOTBALL JERSEY NUMBER 81.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MOTION IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 69, on page 21 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 69, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 198. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

as amended by the Committee substitute, which said substitute is set out in the Journal of the Senate for the Thirteenth Legislative Day, was again taken up.

Mr. St. John offered the following amendment to the Bill, S. B. 198, as amended, to-wit:

AMENDMENT TO S. B. 198, AS AMENDED

Amend Senate Bill No. 198 as substituted page 1 line 27, by striking out the word "and" and inserting therefore the following:

", Cullman, Winston, and"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Bailey	Higginbotham	Miller	Taylor	
deGraffenried	Keener	Mitchem	Teague	
Goodwin	Kirkland	Parsons	Vacca	
Gulledge	Lemaster	Robertson	White	
Hall	Little			—21

Nays:

—0

Mr. Hall offered the following amendment to the Bill, S. B. 198, as amended, to-wit:

AMENDMENT TO S. B. 198, AS AMENDED

Amend S. B. 198 by deleting the word Blount on line 27.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Little	St. John	
Bailey	Higginbotham	Miller	Taylor	
Denton	Hilliard	Mitchem	Vacca	
Goodwin	Keener	Parsons	Weeks	
Gulledge	Kirkland	Robertson	White	
Hall	Lemaster			—21

Nays:

—0

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And said Bill, S. B. 198, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Keener	Miller	Taylor
Bailey	Kirkland	Mitchem	Teague
Britnell	Lemaster	Parsons	Vacca
Goodwin	Little	Robertson	Weeks
Hall	Martin	St. John	White
Harrison	McDonald	Smith	—22

Nays: —0

The Bill:

S. 379. To amend section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

was taken up.

On motion of Mr. White, further consideration of the Bill, S. B. 379, was postponed temporarily.

The Bill:

S. 143. To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, also to amend Sections 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1 to exclude children attending church schools from compulsory attendance and to exclude church schools from reporting.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 143, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 143

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, also to amend Sections 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23, and 16-40-1 to provide an exclusion for church schools from state control and further provides for parental responsibility for attendance of each child.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-28-1, Code of Alabama 1975, is hereby amended to read as follows:

§16-28-1. "Private school," "denominational school" and "parochial school" and church school defined.

A. The terms "private school," "denominational school" and "parochial school" as used in this chapter, shall mean and only include such schools as hold a certificate issued by the state superintendent of education, showing that such school conforms to the following requirements:

(1) The instruction in such schools shall be by persons holding certificates issued by the state superintendent of education;

(2) Instruction shall be offered in the several branches of study required to be taught in the public schools of this state;

(3) The English language shall be used in giving instruction;

(4) A register of attendance shall be kept which clearly indicates every absence of each child from such school for half day or more during each school day of the school year. (School Code 1927, §302; Code 1940, T. 52, §299).

B. The term "church school," as used in this chapter, shall mean and only include such schools as offer instruction in grades K-12 or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding.

Section 2. Section 16-1-11, Code of Alabama 1975, is hereby amended to read as follows:

§16-1-11. Private denominational and parochial schools and church schools to register and report.

All private, denominational and parochial schools or institutions of any kind having a school in connection therewith, except church schools as defined in §16-28-1, shall register annually on or before October 10 with the department of education and shall report on uniform blanks furnished by the state superintendent of education, giving such statistics as relate to the number pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school.

§16-4-16. Forms and blanks.

The state superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the state board of education a uniform series of forms and blanks for the use of county boards of education, boards of education of cities, school officials and teachers, and it shall be his duty to see that all financial matters and all educational records are made according to these forms and blanks. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the state board of education forms and blanks to be used in the annual report and in the monthly reports of persons conducting private, denominational and parochial schools and of private educational associations, corporations or institutions except church schools as defined in §16-28-1.

Section 3. Section 16-28-3, Code of Alabama 1975, is hereby amended to read as follows:

§16-28-3. Ages of children required to attend school.

Every child between the ages of seven and 16 years shall be required to attend a public school, private school, denominational school, parochial school or be instructed by a competent private tutor for the entire length of

the school term in every scholastic year except that those children attending a church school as defined in §16-28-1 are exempt from the requirements of this section. Admission to public school shall be on an individual basis on the application of the parents legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe.

Section 4. Section 16-28-7, Code of Alabama 1975, is hereby amended to read as follows:

§16-28-7. Report of enrollment.

At the end of the fifth day from the opening of the public school, the principal teacher of each public school, private school, denominational school, parochial school, and each private tutor, but not church school, shall report on forms prescribed by the state superintendent of education to the county superintendent of education, in the event the school is operated in territory under the control and supervision of the county board of education, or to the city superintendent of schools, in the event the school is operated in territory under the control and supervision of a city board of education, the names and addresses of all children between the ages of seven and 16 years who have enrolled in such schools; and thereafter, throughout the compulsory attendance period, the principal teacher of each school and private tutor shall report at least weekly the names and addresses of all children between the ages of seven and 16 years who enroll in said school or who, having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child. The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent, guardian or other person in charge or control of the child. Should said child cease attendance at a church school, the parent, guardian, or other person in charge or control of the child shall notify the local public school superintendent that said child no longer is in attendance at a church school.

Section 5. Section 16-28-8, Code of Alabama 1975, is hereby amended to read as follows:

§16-28-8. Reports required must be furnished.

All school officers, including those in private schools, denominational schools, parochial schools, or private tutors, but not those in church schools, in this state, offering instruction to pupils within the compulsory attendance ages, shall make and furnish all reports that may be required by the state superintendent of education and by the county superintendent of education or by the board of education of any city with reference to the workings of this chapter. The principal teacher of each public school, private school, denominational school, parochial school, church school and each private tutor shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year.

Section 6. Section 16-28-15, Code of Alabama 1975, is hereby amended to read as follows:

§16-28-15. Absence must be explained.

Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, denominational school or parochial school or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was

without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child.

Section 7. Section 16-28-23, Code of Alabama 1975, is hereby amended to read as follows:

§ 16-28-23. Attendance register and rules and regulations as evidence.

The registry of attendance of pupils kept by any public school, private school, denominational school, parochial school, church school or private tutor in compliance with the provisions of law or any rule and regulation promulgated by the state board of education shall be admissible as evidence of the existence or nonexistence of the facts it is required to show. A copy of any rule and regulation of the state board of education duly certified as true and correct by the state superintendent of education shall be admissible as evidence of the provisions of such rule and regulation, and the statement in the certificate of the state superintendent of education of the date of the promulgation shall be admissible as evidence that such rule or regulation was duly promulgated on the day and date named.

Section 8. Section 16-40-1, Code of Alabama 1975, is hereby amended to read as follows:

§ 16-40-1. Physical education required.

Every public school and private or parochial school, except church schools as defined in § 16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Department of Education.

Section 9. All laws or parts of laws which are in conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional; such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

The Standing Committee on Education then reported the following amendment to the substitute for the Bill, S. B. 143, to-wit:

COMMITTEE AMENDMENT NO. 1 TO SUBSTITUTE FOR S. B. 143

Amend Substitute to S. B. 143 on page 4, line 15, by inserting after the word "child" the following: and the church schools

On motion of Mr. White, said amendment was laid on the table.

The Standing Committee on Education then reported the following amendment to the substitute, for the Bill, S. B. 143, to-wit:

COMMITTEE AMENDMENT NO. 2 TO SUBSTITUTE FOR S. B. 143

Amend Substitute to S. B. 143 by re-inserting the words "denominational school" and "parochial school" wherever deleted.

On motion of Mr. Little, said amendment was laid on the table.

And on motion of Mr. Harrison, said substitute was laid on the table.

Mr. Harrison then offered the following substitute for the Bill, S. B. 143, to-wit:

SUBSTITUTE FOR S. B. 143

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, to amend Sections 16-1-11, 16-4-16, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23, and 16-40-1 to provide an exclusion for church schools from state control and reporting requirements and to further provide for parental responsibility for attendance of each child.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-28-1, Code of Alabama 1975 is hereby amended to read as follows:

"§16-28-1. A. The terms 'private school,' 'denominational school,' and 'parochial school,' as used in this chapter, shall mean and only include such schools as hold a certificate issued by the state superintendent of education, showing that such school conforms to the following requirements:

"(1) The instruction in such schools shall be by persons holding certificates issued by the state superintendent of education;

"(2) Instruction shall be offered in the several branches of study required to be taught in the public schools of this state;

"(3) The English language shall be used in giving instruction;

"(4) A register of attendance shall be kept which clearly indicates every absence of each child from such school for a half day or more during each school day of the school year.

"B. The term 'church school,' as used in this chapter, shall mean and only include such schools as offer instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a non-profit basis which do not receive any state or federal funding."

Section 2. Section 16-1-11, Code of Alabama 1975, is hereby amended to read as follows:

"§16-1-11. All private, denominational and parochial schools or institutions of any kind having a school in connection therewith, except church schools as defined in §16-28-1, shall register annually on or before October 10 with the department of education and shall report on uniform blanks furnished by the state superintendent of education, giving such statistics as relate to the number pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property and the general condition of the school."

Section 3. Section 16-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§16-4-16. The state superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the state board of education a uniform series of forms and blanks for the use of county boards of education, boards of education of cities, school officials and teachers, and it shall be his duty to see that all financial matters and all educational records are made according to these forms and blanks. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the state board of education forms and blanks to be used in the annual report and in the monthly reports of persons conducting private, denominational and parochial schools and of private educational associations, corporations or institutions except church schools as defined in §16-28-1."

Section 4. Section 16-28-3, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-3. Every child between the ages of seven and 16 years shall be required to attend a public school, private school, denominational school, parochial school, church school, or be instructed by a competent private tutor for the entire length of the school term in every scholastic year except that every child attending a church school as defined in §16-28-1 is exempt from the requirements of this section, provided such child complies with enrollment and reporting procedure specified in Section 16-28-7, Code of Alabama 1975. Admission to public school shall be on an individual basis on the application of the parents, legal custodian or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe."

Section 5. Section 16-28-7, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-7. At the end of the fifth day from the opening of the public school, the principal teacher of each public school, private school, denominational school, parochial school, and each private tutor, but not church school, shall report on forms prescribed by the state superintendent of education to the county superintendent of education, in the event the school is operated in territory under the control and supervision of the county board of education, or to the city superintendent of schools, in the event the school is operated in territory under the control and supervision of a city board of education, the names and addresses of all children between the ages of seven and 16 years who have enrolled in such schools; and thereafter, throughout the compulsory attendance period, the principal teacher of each school and private tutor shall report at least weekly the names and addresses of all children between the ages of seven and 16 years who enroll in said school or who, having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child. The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent, guardian or other person in charge or control of the child on a form provided by the superintendent or his agent which shall be countersigned by the administrator of the church school and returned to the public school superintendent by the parent. Should said child cease attendance at a church school, the parent, guardian, or other person in charge or control of the child shall by prior consent at the time of enrollment direct the church school to notify the local public school superintendent or his agent that said child no longer is in attendance at a church school."

Section 6. Section 16-28-8, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-8. All school officers, including those in private schools, denominational schools, parochial schools, or private tutors, but not those in church schools, in this state offering instruction to pupils within the compulsory attendance ages, shall make and furnish all reports that may be required by the state superintendent of education and by the county superintendent of education or by the board of education of any city with reference to the workings of this chapter. The principal teacher of each public school, private school, denominational school, parochial school, church school and each private tutor shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year."

Section 7. Section 16-28-15, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-15. Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, denominational school or parochial school or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child."

Section 8. Section 16-28-23, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-23. The registry of attendance of pupils kept by any public school, private school, denominational school, parochial school, church school or private tutor in compliance with the provisions of law or any rule and regulation promulgated by the state board of education shall be admissible as evidence of the existence or nonexistence of the facts it is required to show. A copy of any rule and regulation of the state board of education duly certified as true and correct by the state superintendent of education shall be admissible as evidence of the provisions of such rule and regulation, and the statement in the certificate of the state superintendent of education of the date of the promulgation shall be admissible as evidence that such rule or regulation was duly promulgated on the day and date named."

Section 9. Section 16-40-1, Code of Alabama 1975, is hereby amended to read as follows:

"§16-40-1. Every public school and private or parochial school, except church schools as defined in §16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the department of education."

Section 10. Notwithstanding entitlement to the exemptions provided church schools under §§16-28-1, 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1 any church school as defined in §16-28-1 (B) shall certify to the local public school superintendent on forms supplied by the superintendent to the requesting church school that the exemptions specified herein are waived.

Section 11. All laws or parts of laws which are in conflict with this act are hereby repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Proctor	White

—27

Nays: Messrs.: Hall and Hilliard.

—2

And said Bill, S. B. 143, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Abstaining 1.

Yeas:

Messrs.:	Harrison	McDonald	St. John
Bailey	Higginbotham	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Teague
deGraffenried	Kirkland	Proctor	Vacca
Denton	Lemaster	Robertson	White
Goodwin	Martin		

—25

Nays: Messrs.: Hall and Hilliard.

—2

Abstaining: Mr. Little.

—1

Mr. Harrison moved that the Senate reconsider the vote by which the Bill, S. B. 143, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 379

The Senate proceeded to further consideration of the Bill, S. B. 379.

And said Bill, S. B. 379, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Callahan	Goodwin	Higginbotham
Bailey	deGraffenried	Gulledge	Holmes
Britnell	Denton	Hall	Keener

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Lemaster	Mitchem	St. John	Vacca
Little	Parsons	Taylor	Weeks
Martin	Proctor	Teague	White

—23

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

was taken up.

On motion of Mr. Mitchem, further consideration of the Bill, S. B. 14, was postponed temporarily.

The Bill:

S. 8. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays: 0.

Yeas:

Messrs.:	Hall	Kirkland	St. John
Bailey	Harrison	Little	Taylor
Britnell	Higginbotham	Martin	Teague
Callahan	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Robertson	White

—24

Nays: —0

The Bill:

S. 24. To require that persons who transport children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 24, to-wit:

COMMITTEE AMENDMENT TO S. B. 24

Amend Senate Bill 24 on Page 2, Line 8, by striking after the word "Safety," the following words:

"and the Director, at his discretion, may award point(s) against that person's driver's license record."

Which was adopted.

Yeas 23; Nays: 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Robertson
Bailey	Hall	Lemaster	St. John
Britnell	Higginbotham	Little	Taylor
Callahan	Hilliard	Martin	Teague
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White

—23

Nays: —0

Mr. Taylor offered the following amendment to the Bill, S. B. 24, as thus amended, to-wit:

AMENDMENT TO S. B. 24, AS AMENDED

Amend Senate Bill No. 24 Page 1, Line 21, by inserting after the word "vehicle" the words "within 25 miles of the residence of the driver"

On motion of Mr. Vacca, said amendment was laid on the table.

Mr. Little offered the following amendment to the Bill, S. B. 24, as amended, to-wit:

AMENDMENT TO S. B. 24, AS AMENDED

Amend Senate Bill No. 24 Page 2 Line 9, by inserting after the word record and deleting the period and add the following:

"except that no written warning shall be issued when the child under the age of 4 years is within the bodily protection of an individual within the motor vehicle and who is above the age of 16 years."

On motion of Mr. Vacca, said amendment was laid on the table.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Higginbotham	Martin	Taylor
Britnell	Hilliard	Mitchem	Teague
Callahan	Keener	Parsons	Vacca
deGraffenried	Kirkland	Proctor	White
Denton			

—20

Nays: Messrs.: Holmes and Little —2

And said Bill, S. B. 24, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Bailey	Higginbotham	Martin	Taylor
Britnell	Hilliard	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	Robertson	White
Gulledge	Lemaster		

—25

Nays: —0

The Bill:

S. 27. To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in city and county schools.

was taken up.

Mr. Hall offered the following amendment to the Bill, S. B. 27, to-wit:

AMENDMENT TO S. B. 27

Amend S. B. 27 by deleting the underlined portion on line 32 of page 1 and the underlined language on line 28 of page 2.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Kirkland	Proctor
Bailey	Higginbotham	Lemaster	Robertson
Britnell	Hilliard	Little	Taylor
Callahan	Holmes	Mitchem	Teague
Denton	Keener	Parsons	White
Gulledge			

—20

Nays: —0

And said Bill, S. B. 27, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Kirkland	Parsons
Bailey	Harrison	Lemaster	Robertson
Britnell	Higginbotham	Little	Taylor
Callahan	Holmes	Martin	Teague
Denton	Keener	Mitchem	White
Gulledge			

—20

Nays: —0

The Bill:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Kirkland	Robertson	
Bailey	Harrison	Lemaster	Taylor	
Britnell	Higginbotham	Little	Teague	
Callahan	Hilliard	Martin	Weeks	
Denton	Holmes	Mitchem	White	
Gulledge	Keener	Parsons		—22

Nays:

—0

The Bill:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

was taken up.

On motion of Mr. Hilliard, further consideration of the Bill, S. B. 66, was postponed temporarily.

The Bill:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists, as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Robertson	
Bailey	Harrison	Little	St. John	
Britnell	Higginbotham	Martin	Taylor	
Callahan	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Gulledge	Kirkland			—25

Nays:

—0

On motion of Mr. Holmes, his name was added as co-sponsor of the above Bill.

The Bill:

S. 193. To amend Section 10-2A-25, Code of Alabama 1975, as amended, so as to provide that the name of the corporation, if a bank, need not use the word "corporation," "incorporated," or an abbreviation thereof, but instead shall use the words "bank," "banking" or "bankers."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Proctor
Bailey	Hall	Lemaster	Robertson
Britnell	Harrison	Little	Taylor
Callahan	Higginbotham	Martin	Teague
deGraffenried	Holmes	Mitchem	White
Denton	Keener	Parsons	

—22

Nays:

—0

The Bill:

S. 210. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

was taken up.

Mr. Taylor offered the following amendment to the Bill, S. B. 210, to-wit:

AMENDMENT TO S. B. 210

Amend Senate Bill No. 210 Page 1 Line 30, by inserting after the word "warrants" the following:

, provided such journals have been photographed or microphotographed as authorized by law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Harrison	Martin	Taylor
Britnell	Holmes	Mitchem	Teague
Callahan	Keener	Parsons	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster		

—21

Nays:

—0

And said Bill, S. B. 210, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Britnell	Hall	Hilliard
Bailey	Denton	Higginbotham	Holmes

Keener
Kirkland
LemasterLittle
Martin
MitchemParsons
Proctor
RobertsonTaylor
Teague
White

—19

Nays:

—0

The Bill:

S. 82. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agenices, boards, commissions or departments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*Messrs.:
Bailey
Britnell
Denton
Gulledge
HallHarrison
Higginbotham
Holmes
Keener
KirklandLittle
Martin
Mitchem
Parsons
ProctorRobertson
Taylor
Teague
Weeks
White

—20

Nays:

—0

The Bill:

S. 141. To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission, including the power to promulgate rules and regulations; to provide for the selection of a chairman and fix the tenure of his office; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission members having an interest in matters before the Commission; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification

for the issuance of a certificate of need by the Commission; to provide for promulgation of rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service without first obtaining the certificate of need described in this bill; to provide for wavier of formal review and substitutes nonsubstantive review under certain stated conditions; to specify the effective period of the certificate of need and the period for commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act; to deny reimbursement for services rendered by facilities constructed in violation of the Act; to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

was taken up.

ADJOURNMENT

At 5:25 P.M., on motion of Mr. deGraffenried, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 141, the Senate adjourned until Monday, March 15, 1982, at 10 o'clock A.M.

SEVENTEENTH LEGISLATIVE DAY

MONDAY, MARCH 15, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Doctor Allen K. Jackson, President, Huntingdon College, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Goodwin	Little	Robertson	

—30

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Figures, Glass, Harrison, and Hilliard for today.

REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Barron:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

RECESS

At 10:05 A.M., Mr. St. John moved that the Senate take a recess until 11 o'clock A.M., at which time the Message of the President of the United States will be delivered in Joint Session, and further moved that at the completion of the Joint Session, the Senate adjourn until Tuesday, March 16, 1982, at 1 o'clock P.M., which motion was adopted.

JOINT SESSION

At 11 o'clock A.M., the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of the President of the United States, the Honorable Ronald Reagan.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Ronald Reagan was escorted to the chair and delivered his address to the Legislature of Alabama.

ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 11:30 A.M., in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, S. B. 141, the Senate adjourned until Tuesday, March 16, 1982, at 1 o'clock P.M.

EIGHTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 16, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Charles Britnell, Second Senatorial District.

ROLL CALL

Present:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Lemaster	Robertson	
Goodwin	Little		

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Glass and Kirkland for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan (with notice and proof):

S. 453. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 453, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Holmes:

S. 454. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 granting certain powers and authority to Calhoun County and each municipality situated therein relating to the acquisition, leasing, sale and development of industrial sites and industrial park projects.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Teague:

S. 455. To make a conditional appropriation to the Board of Corrections for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. White:

S. 456. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Committee on Banking and Insurance.

By Mr. Vacca:

S. 457. To create mine rescue stations within the State of Alabama as a part of the Division of Safety and Inspection of the Department of Industrial Relations; to provide for the location, training, compensation, benefits, qualifications and employment status of said station members; and to provide requirements of recovery work.

Committee on Commerce, Transportation,
and Utilities.

By Mr. White:

S. 458. To require homeowners insurance policies and other policies providing comprehensive personal liability insurance to include coverage against liability for the payment of any obligation which the policyholder

may incur to an injured domestic servant or household employee or the dependents thereof and to provide that the child of an insured while a full time college student shall be considered a resident relative of the insured's household.

Committee on Banking and Insurance.

RESOLUTIONS

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 158. COMMENDING SERGEANT LOUIS MILLER, JR., AND SERGEANT GARY KENNEY FOR THEIR ALERT APPREHENSION OF THE SUSPECTS IN THE MONTGOMERY CIVIC CENTER COIN SHOW ROBBERY.

Which was adopted.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 159, Naming the Dauphin Island Bridge which is now under construction and scheduled for completion in June 1982 "The Jack Edwards Bridge".

WHEREAS, Jack Edwards is a member of the United States House of Representatives from the First District of Alabama; and,

WHEREAS, Jack Edwards moved to Mobile in 1954 where he practiced law for ten years; and,

WHEREAS, Jack Edwards married the former Jolane Vandersys of Mobile and his daughter Lane Edwards Weairl is presently a resident of Mobile, Alabama; and

WHEREAS, During the time Jack Edwards lived in Mobile, Alabama he was chosen one of the Outstanding Young Men in America by the United States Junior Chamber of Commerce, he served as president of the Mobile Junior Chamber of Commerce from 1961 to 1962 and was president of the Alabama Deep Sea Fishing Rodeo from 1956 to 1957 and presently serves as a member of the Board of Regents, Spring Hill College, Mobile, Alabama; and,

WHEREAS, Jack Edwards served in the United States Marine Corps from 1946 to 1948 and again from 1950 to 1951; and

WHEREAS, Jack Edwards was elected to the United States House of Representatives November 3, 1964 where he has served continuously and is now serving in his eighteenth year; and

WHEREAS, Jack Edwards served on the House Appropriations Committee since 1969 and is currently serving as the ranking Republican member of the Defense Appropriation Subcommittee and serving also on the Transportation Subcommittee; and,

WHEREAS, Jack Edwards has contributed untiringly to the growth and development of the coastal region of south Alabama and to the entire First Congressional District in general and his leadership has been instrumental in the continuation of the construction of the Tennessee Tombigbee Water Way, the completion of the interstate highway system through south Alabama and the reconstruction of the Dauphin Island bridge after it was devastated by Hurricane Frederic, September 12, 1979; and,

WHEREAS, Jack Edwards has the deepest respect and gratitude of the citizens of the First Congressional District of Alabama and his many contributions to southwest Alabama and valuable service to his constituency warrants appropriate recognition and honor; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. That the Dauphin Island bridge which is under construction and scheduled for completion in June 1982 is hereby designated as "The Jack Edwards Bridge".

Section 2. That appropriate authorities are directed to cause appropriate signs and markers to be erected and maintained in designating the said bridge "The Jack Edwards Bridge".

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 122. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN ALABAMA.

Also:

S. J. R. 123. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN TUSCALOOSA COUNTY.

Also:

S. J. R. 144. DESIGNATING THE WEEK OF MARCH 15 THROUGH MARCH 19 AS GIFTED CHILDRENS' WEEK.

JOHN W. PEMBERTON,
Clerk.

POINT OF PERSONAL PRIVILEGE

Mr. Weeks requested that the following communication to him from the President of the Alabama Credit Union League be spread upon the Journal:

March 5, 1982

The Honorable Mike Weeks
State Capitol
Montgomery, Alabama 36130

Dear Senator Weeks:

It has come to my attention that somehow we neglected to present you with an umbrella during one of our recent visits to the State Capitol. I am

certain you will recall the terrific downpour in Montgomery that day. Thus, in our haste to provide everyone with a credit union umbrella of protection we apparently missed a few good credit union legislative supporters! Please accept my sincere apology.

However, in an effort to rectify our inadvertent oversight, I am sending you an "authentic credit union umbrella" under separate cover. My only request is that you acknowledge its receipt on the floor of the Senate.

Since this "gift" is for your personal protection from the elements, Counsel insists that it does not have to be reported to the Ethics Commission as a campaign contribution.

Best personal regards,

GARY B. WOLTER,
President.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 261. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Barber Examiners as presently provided in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975; with certain modifications; to repeal said Sections 34-5-1 through 34-5-16, and to provide for the board of barbering and the regulation of the practice of barbering and teaching of barbering as provided for in the provisions of law in Section 4 hereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Smith moved that the Senate non-concur in the following House amendment to the Bill, S. B. 261, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 261

A BILL TO BE ENTITLED AN ACT

To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds, or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Barber Examiners, and voted to recommend the termination of said board created and functioning pursuant to Sections

34-5-1 through 34-5-16 of the Code of Alabama 1975, and further recommends that all surplus fees, funds, or monies, of the board be transferred to the State General Fund; and further recommends that all equipment and property of the Board be transferred to the Division of Services of the State Finance Department.

Section 2. The provisions of Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, as amended, relating to the registration of Barbers is hereby expressly repealed.

Section 3. The legislature concurs in the recommendations of the Sunset Committee provided in Section I of this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective October 1, 1982.

and request a Committee on Conference.

Mr. Bailey offered a substitute motion that the Senate concur in the House amendment, which motion was lost.

Yeas 2; Nays 13.

Yeas: Messrs.: Bailey and Smith.

—2

Nays:

Messrs.:
Britnell
deGraffenried
Hall

Holmes
Keener
McDonald
Miller

Mitchem
Parsons
Robertson

Taylor
Weeks
White

—13

The question then recurred on the motion of Mr. Smith, which was adopted, and the Senate non-concurred in the House amendment to the Bill, S. B. 261, and requested a Committee on Conference.

Yeas 14; Nays 0.

Yeas:

Messrs.:
Britnell
deGraffenried
Hall

Holmes
Keener
Lemaster
Little

Miller
Mitchem
Parsons
Smith

Taylor
Weeks
White

—14

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum was present and not voting.

And the President and Presiding Officer of the Senate appointed as Conferees on part of the Senate Messrs. White, Denton, and Hall.

RESOLUTION

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 160. NAMING THE BRIDGE ON HIGHWAY 68 IN CEDAR BLUFF, ALABAMA, "COBIA'S BRIDGE."

WHEREAS, the bridge on Highway 68 in Cedar Bluff, Alabama, was at one time a wooden, covered bridge constructed about 1938 and was located near Cobia's Gin and Grist Mill; and

WHEREAS, known through the years as Cobia's Bridge, the present span is a steel and concrete structure 24 feet wide, 453 feet in length, and with a vertical clearance of 14 feet three inches since 1958 when the bridge was raised due to the building of Weiss Lake Dam; and

WHEREAS, because of the longtime and widely-accepted usage of "Cobia's Bridge" as the name of said structure, it is the desire of the Citizens of the Town of Cedar Bluff that the bridge be officially so named; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on Highway 68 in the Town of Cedar Bluff, Alabama, is hereby officially named and designated as "Cobia's Bridge," and that appropriate markers be erected and maintained so designating said structure as "Cobia's Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mayor Ginger W. Cobia of Cedar Bluff, Alabama.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827) as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate non-concurred in the following House amendment to the Bill, S. B. 132, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 132

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the

Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Plumbers Examining Board, and voted to recommend the continuance of the board created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827).

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Plumbers Examining Board, created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session, (Acts 1949, p. 827) are hereby continued.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a Committee on Conference.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Holmes	Mitchem	Smith	
Bailey	Lemaster	Parsons	Taylor	
deGraffenried	Little	Robertson	Vacca	
Denton	Miller	St. John	Weeks	
Hall				—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Smith, McDonald, and Mitchem.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate non-concurred in the following House amendment to the Bill, S. B. 113, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 113

A BILL
TO BE ENTITLED
AN ACT

To continue the existence and functioning of the State Board of Medical Technical Examiners, provided for in Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Medical Technical Examiners and voted to recommend the continuance of said board created and functioning pursuant to Sections 34-18-1 through 34-18-47 of the Code of Alabama 1975, and further recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-1-47 through 34-18-47 of the Code of Alabama 1975, as amended relating to the registration of Medical Technicians are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. and requested a Committee on Conference.

Yeas 8; Nays 6.

Yeas:

Messrs.:	Hilliard	Smith	Teague
Bailey	Parsons	Taylor	Vacca
Higginbotham			

—8

Nays: Messrs.: Britnell, Hall, Holmes, Little, Miller and Robertson. —6

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Miller, White, and Smith.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and

Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 114. Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by Law.

Also:

S. 116. Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 117. Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 118. Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 119. Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 120. Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 121. Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 122. Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 124. Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 125. Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 126. Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

Also:

S. 127. Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

Also:

S. 128. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7 and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

Also:

S. 131. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through 34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

Also:

S. 134. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

Also:

S. 139. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, as presently existing until October 1, 1984.

Also:

S. J. R. 127. CONGRATULATING AND COMMENDING ALABAMA'S 1981 STATE 3A FOOTBALL CHAMPIONS, THE EUFAULA HIGH SCHOOL TIGERS.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Bill Battle, Herbert Hannah, Billy Hitchcock, Dan McCoy, Bob Scarbrough, Fred Sington, and Bob Williams to the State Athletic Commission.

On motion of Mr. McDonald, the appointment of Mr. Battle was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. Hannah was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. Hitchcock was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. McCoy was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. Scarbrough was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. Sington was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

On motion of Mr. McDonald, the appointment of Mr. Williams was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
deGraffenried	Lemaster	Robertson	Vacca	
Goodwin	Little	St. John	White	
Hall	McDonald	Smith		—18

Nay: Mr. Hilliard. —1

MOTION IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 382, on page 75 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 382, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 133. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48 of the Code of Alabama 1975, with certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements for licensure, in that a candidate must have a doctorate degree from a department or school of psychology recognized by the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 133, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 133

Amend Senate Bill 133, page 2, line 35, by deleting as defined in the rules and regulations of the board.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Teague	
Bailey	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Smith	White	
Denton	Little	Taylor		—14

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with

certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Senate non-concurred in the following House amendment to the Bill, S. B. 115, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 115

A BILL TO BE ENTITLED AN ACT

Relating to the continued existence and functioning of the Board of Examiners of Landscape Architects provided for in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Landscape Architects and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, relating to the Board of Examiners of Landscape Architects are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. and requested a Committee on Conference.

Yeas 12; Nays 0.

Yeas:

Messrs.:
deGraffenried
Denton
Hall

Holmes
Keener
Parsons

Robertson
Smith
Taylor

Teague
Weeks
White

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Parsons, Teague, and Higginbotham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: change the time within which charges must be heard; and to change the place of the hearing.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Senate non-concurred in the following House amendment to the Bill, S. B. 129, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 129

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2, 34-8-6, and 34-8-9, so as to: remove certain references to maximum bid limits; to require an applicants financial statement to reflect a positive net worth based on certified appraised value or book value; to remove certain restrictions of percentages of completion on first-job permits of contractors; to require the issuance of a license to bonded contractors; to remove certain penalties for persons receiving or considering a bid from a non-licensed contractor; and to remove reference to jobs of \$20,000 or more relative to furnishing proof of licensing to building inspectors.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Licensing Board For General Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-8-1 through 34-8-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Licensing Board For General Contractors, created and functioning pursuant to Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-8-2, 34-8-6 and 34-8-9 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by \$200.00 for a new application or \$100.00 in case of a renewal. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his last annual financial statement, which must reflect a positive net worth, prepared by a certified public accountant (C.P.A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his previous experience, equipment and the facts in each case. Certified appraised value may be used in lieu of book value in determining the net worth of an applicant. An applicant shall not be so classified as to permit him to bid on or to perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license, and also setting out a letter symbol indicating the maximum limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than 10 times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence, and (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification 'E,' the limits shall then be set as classification 'U' Unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking.

A—Not to exceed	\$100,000.00
B—Not to exceed	250,000.00
C—Not to exceed	500,000.00
D—Not to exceed	1,000,000.00
E—Not to exceed	3,000,000.00
U—Unlimited	

"(b) Any person failing to pass such examination may be reexamined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work, and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit or a change in his classification. Application for renewal of a license, together with the payment of a fee of \$100.00, received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. Each newly licensed contractor performing work for the first time shall not be allowed to perform work beyond one contract under this license until evidence has been furnished satisfactory to the board that at least 80 percent of the first job has been satisfactorily performed. At the discretion of the board, a limited license may be issued for a particular project.

"(c) The board shall issue a license for construction to any contractor who is bonded for the particular project.

"Section 34-8-6.

"Any person, firm or corporation not being duly authorized who shall engage in the business of general contracting in this state, except as provided for in this chapter, and any person, firm or corporation presenting or attempting to file as its own the license certificate of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who falsely shall impersonate another, or who shall use an expired or revoked certificate of license, and any person including an owner, architect or engineer who receives or considers a bid from anyone not properly licensed under this chapter, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than \$500.00 or imprisonment of six months, or both fine and imprisonment, in the discretion of the court.

"The submission of the contractor's current license number before considering the bid shall be sufficient evidence to relieve the owner, architect, engineer or awarding authority of any liability under this chapter.

"It is provided, however, that with respect to the letting and awarding of highway contracts under \$20,000.00, the highway director may issue proposal forms to consider bids from and award contracts to all bidders, licensed or unlicensed, who fulfill the requirements set forth in chapters 1 and 2 of Title 39 of this Code.

"Section 34-8-9.

"Any person, firm or corporation, upon making application to the building inspector or such other authority of any incorporated city, town or village in Alabama charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, grading or any improvement or structure, where the cost thereof is to be \$20,000.00 or more, shall, before he shall be entitled to the issuance of such permits, furnish satisfactory proof to such inspector or authority that is he duly licensed under the terms of this chapter; and it shall be unlawful for such building inspector or other authority to issue or allow the issuance of such building permit unless and until the applicant has furnished evidence that he is either exempt from the provisions of this chapter or is duly licensed under this chapter to carry out to

superintend the work for which permit has been applied; and such building inspector, or other such authority, violating the terms of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$50.00."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a committee on Conference.

Yeas 11; Nays 0.

Yeas:

Messrs.:
deGraffenried
Denton

Hall
Higginbotham
Holmes

Keener
Parsons
Smith

Taylor
Teague
Weeks

—11

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Parsons, deGraffenried, and Keener.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 136. Relating to the continued existence and functioning of the Alabama Public Library Service provided for in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, and as may otherwise be provided by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 136, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 136

A BILL TO BE ENTITLED AN ACT

Relating to the continued existence and functioning of the Alabama Public Library Service provided for in Sections 41-8-1 through 41-8-8 of the

Code of Alabama 1975, with modifications; to amend Section 41-8-5 and 41-8-7 of the Code of Alabama 1975, so as to authorize the executive board of the Alabama Public Library Service to make certain exceptions in their criteria for receiving state aid as they relate to educational requirements and hours of operation and to provide further for reports made by libraries to the Alabama Public Library Service.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Library Service and voted to recommend the continuance of the said service, created and functioning pursuant to Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, and hereby recommends the continuance of said service with the additional recommendations for statutory changes as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, relating to the Alabama Public Library Service are hereby continued.

Section 4. Sections 41-8-5 and 41-8-7 of the Code of Alabama 1975, are hereby amended to read as follows:

"§41-8-5.

"(a) The Alabama public library service shall give advice to all free public, regional, municipal and county libraries and to all communities in the state which may propose to establish public libraries, in the manner provided in this article, as to the best means of establishing and administering such public library service, selecting and cataloging books and other details of library management and may send any of its staff to aid in organizing such libraries or to assist in the improvement of those already established. The service may advise as to the proper qualifications of librarians of free public, regional, municipal and county libraries and shall perform such other services consistent with and in furtherance of the purpose of this article as shall from time to time appear feasible. Moreover, the service shall advise as to arrangements as provided in section 11-90-4, by which local governmental agencies may combine in the establishment of joint units of library service. The service may receive and shall administer all funds, books or other property from whatever source, under such conditions as may be deemed necessary in order to carry out the purpose of this article; and, by the use of such means and methods as circumstances warrant, the service may acquire and operate traveling libraries, and circulate or loan such books and libraries among communities, libraries, library associations, social and civic clubs and organizations and other public agencies and institutions under such conditions and rules as the board deems necessary in order to protect the interests of the state and to increase the efficiency and promote the extension of public library service throughout the state.

"(b) The Alabama Public Library Service, through its board, shall have the authority to make exceptions in their criteria for receiving state aid as they relate to educational requirements and hours of operation."

"§ 41-8-7.

"(a) The Alabama public library service shall each year obtain from all free public libraries in the State of Alabama reports showing the conditions, growth, development and conduct of said libraries. This provision shall not apply to the libraries of the supreme court of Alabama, the department of archives and history of school libraries aided and supervised by the department of education and the libraries of institutions of higher learning.

"(b) All libraries, other than private libraries, in this state, including all free public or subscription libraries or libraries maintained by institutions, societies, colleges, institutes or schools shall make both regular and special reports to the Alabama public library service as may be called for and in accordance with such regulations as may be prescribed by the service."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Hall	Keener	Taylor	
Callahan	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes	Smith	White	
Denton				—12

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

BILLS ON THIRD READING

The Bill:

S. 426. To amend Sections 1 and 5 of Act No. 651, H. 1555 of the 1973 Special Session (Acts 1973, p. 972), which created an Industrial Development Authority for Tuscaloosa County so as to provide further for the composition of the board of such authority and to prescribe certain tax exempt status and security for bonds issued by said authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Smith	
Bailey	Hilliard	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
deGraffenried	Lemaster	Pearson	Weeks	
Figures	Little	Robertson	White	
Hall	Martin			—25

Nays: —0

The Bill:

H. 559. Relating to Tuscaloosa County; amending Act No. 81-1102, H. 29, Third Special Session 1981, entitled, "An Act To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from with such limits," and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Smith
Bailey	Hilliard	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Lemaster	Pearson	Weeks
Figures	Little	Robertson	White
Hall	Martin		

—25

Nays: —0

The Bill:

S. 406. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	Miller	Taylor
Britnell	Hilliard	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Lemaster	Proctor	White
Gulledge	Little		

—25

Nays: —0

RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 161. COMMENDING CHARLES H. GRAY AND BESSIE THURMAN GRAY.

Which was adopted.

Mr. Pearson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 162. COMMENDING CHARLES H. GRAY AND BESSIE THURMAN GRAY.

WHEREAS, Charles H. Gray and his wife, Bessie Thurman Gray, have contributed greatly to the education of the youth of Philadelphia, Pennsylvania; and

WHEREAS, Mrs. Gray is a native Alabamian, having been born in Mobile; and

WHEREAS, Mrs. Gray was educated in the Mobile Public School System and received a Bachelor of Science Degree from Tuskegee Institute; and

WHEREAS, both Mr. and Mrs. Gray have earned Master's Degrees in Education, his being from Temple University and hers from Villanova University; and

WHEREAS, Mrs. Gray is presently a department head at Martin Luther King High School in Philadelphia, Pennsylvania; and

WHEREAS, Mr. Gray is a biology teacher at Lincoln High School in Philadelphia; and

WHEREAS, Mr. and Mrs. Gray are affiliated with numerous education associations and organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Charles H. Gray and Bessie Thurman Gray on their many achievement and their contributions to education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Gray so that they may know of our esteem for them.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 157. COMMENDING THE HOMEWOOD HIGH SCHOOL PATRIOT BAND FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
CLERK.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 255. Relating to Etowah County; to provide that the County Board of Education shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any

time in the future, vote to prohibit legal sale of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

By Rep. Reed (with notice and proof):

H. 556. Relating to Macon County; to provide for an additional expense allowance for the assistant district attorney serving Macon County; to make the provisions of this act retroactive.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried (With Substitute):

S. 402. To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; to prescribe limitations to surgical procedures of the human foot.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 411. To amend Section 27-7-5 of the Code of Alabama 1975, as amended, relating to insurance licensing qualifications and procedures, so as to exempt certain applicants for fidelity and surety licenses to be used exclusively for and expressly limited to bail bonds underwritten by fidelity and surety companies from certain examination requirements of said section and to provide that this act shall become effective on July 15, 1982.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin and Teague (By Request) (With Substitute):

S. 415. To be known as the "Alabama Hospital Care Services Price Discrimination Act of 1982"; to make legislative findings regarding competition in the pricing of hospital services; to provide for definitions of words and phrases for the purposes of this Act; to provide for equitable pricing of hospital services; to provide that certain unjustifiable discounts in the pricing of hospital services shall be illegal; to provide for legal remedies for violation of the provisions of this Act; and to amend Section 10-4-115, Code of Alabama, 1975, which relates to the applicability of insurance laws to Title 10, Chapter 4, Article 6, Code of Alabama, 1975, so as to provide that the provisions of this Act shall apply to such article.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White and Callahan:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create

the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute):

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Proctor:

S. 72. To amend Section 32-5-313, Code of Alabama 1975, which prescribes monetary penalties for traffic infractions, so as to provide further for the distribution of the fees.

By Messrs. Figures and Kirkland (With Amendment):

S. 219. To be known as "The Alabama Limited Partnership Act of 1982" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing §10-9-1 through §10-9-5; §10-9-20 through §10-9-28; §10-9-40 through §10-9-52; §10-9-70; §10-9-80; §10-9-90; §10-9-110 through §10-9-129; and §10-9-140 through §10-9-147, Code of Alabama (1975); and amending §10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

By Mr. Proctor:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

By Mr. Miller:

S. 408. To transfer certain funds to the state parks division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

By Mr. Proctor:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in

secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

By Mr. Parsons (With Substitute):

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

By Mr. White:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

By Messrs. White, Teague, Parsons, Miller, Goodwin, Callahan and St. John:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc, entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

By Messrs. Parsons and Little (With Amendment):

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public school; to provide penalties for failure to report said incidents; and to provide for an effective date.

By Mr. McDonald:

S. 259. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

By Mr. McDonald:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

MOTION TO SUSPEND RULES

Mr. Hall moved that the Rules be suspended in order to re-commit the Bill, S. B. 47, to the Standing Committee on Rules. On objection of three Senators, the motion to suspend the Rules failed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Proctor
Bailey	Hall	Little	St. John
Callahan	Higginbotham	Martin	Smith
deGraffenried	Holmes	Miller	Weeks

—15

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 181. CREATING A JOINT ALABAMA LEGISLATIVE TRAVEL AND TOURISM CAUCUS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 192. COMMENDING THE UNIVERSITY OF ALABAMA BLAZERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 193. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 368. Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a nonexclusive television cable system and to furnish television cable services to the residents of the town and to residents of unincorporated areas of Etowah County not served by an existing cable television system or systems; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 181. CREATING A JOINT ALABAMA LEGISLATIVE TRAVEL AND TOURISM CAUCUS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 163. TO URGE MEMBERS OF THE CONGRESSIONAL BUDGET COMMITTEES TO REJECT ANY REORGANIZATION OF THE RAILROAD RETIREMENT SYSTEM PROVIDED FOR IN THE 1983 FEDERAL BUDGET.

WHEREAS, the Railroad Retirement System was established by an Act of Congress in 1935 to provide retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than forty-five years; and

WHEREAS, the Railroad Retirement System has a present cash investment worth \$3,600,000,000 and more than 1,100,000 annuitants; yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength, and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably jeopardize the continued distribution of benefits;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING:

Section 1. That the Legislature of Alabama urges the Congressional budget committees to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System.

Section 2. That copies of this resolution be transmitted to the Alabama Congressional delegation and the members of the Congressional budget committees.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 72. To amend Section 32-5-313, Code of Alabama 1975, which prescribes monetary penalties for traffic infractions, so as to provide further for the distribution of the fees.

was taken up.

REGULAR SESSION
18th Day

771

Mr. White moved that the Rules be suspended and further consideration of the Bill, S. B. 72, be postponed temporarily, which motion was lost.

Mr. Proctor moved that the Rules be suspended and further consideration of the Bill, S. B. 72, be postponed until the next Legislative Day, which motion was lost.

And said Bill, S. B. 72, was read a third time at length and lost.

Yeas 4; Nays 23.

Yeas: Messrs.: Callahan, Cook, Holmes and Vacca.

—4

Nays:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
deGraffenried	Higginbotham	McDonald	Smith
Denton	Hilliard	Miller	Taylor
Figures	Keener	Parsons	Weeks

—23

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, S. B. 72, was lost, which motion was lost.

The Bill:

S. 219. To be known as "The Alabama Limited Partnership Act of 1982" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing §10-9-1 through §10-9-5; §10-9-20 through §10-9-28; §10-9-40 through §10-9-52; §10-9-70; §10-9-80; §10-9-90; §10-9-110 through §10-9-129; and §10-9-140 through §10-9-147, Code of Alabama (1975); and amending §10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 219, to-wit:

COMMITTEE AMENDMENT TO S. B. 219

Amend page 34, line 15, by deleting "107" and inserting in lieu thereof "106".

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Britnell	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Weeks
Denton	Little	Parsons	White
Figures			

—16

Nays:

—0

And said Bill, S. B. 219, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Britnell	Higginbotham	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Weeks
Denton	Little	Proctor	White
Figures			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Stout and Rains (with notice and proof):

H. 572. Relating to DeKalb County; amending Act No. 372, S. 572, 1971 Regular Session (Acts 1971, p. 667), relating to the expense allowance of the coroner of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 572, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stout (with notice and proof):

H. 573. To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit of Jackson County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 573, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale:

H. 574. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Clarke County.

Also:

By Reps. Moore, Smith (C) and Waggoner (with notice and proof):

H. 581. Relating to Shelby County; providing for additional compensation for the tax assessor and tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 581, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 568. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 568, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 578. Relating to Elmore County; providing further for the compensation of the Sheriff beginning at the next term of office.

I hereby certify that the Notice & Proof is attached to as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Venable (with notice and proof):

H. 579. Relating to Elmore County; providing further for the compensation of the Probate Judge beginning at the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 579, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 572, 573, 574, 581, 568, 578, and 579. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 574, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 202. COMMENDING COACH NELSON HUGHES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Rep. Payne:

H. J. R. 203. COMMENDING WRESTLER TIM MINOR OF HEWITT-TRUSSVILLE HIGH SCHOOL.

Also:

By Rep. Edwards:

H. J. R. 204. COMMENDING THE WILCOX COUNTY ACADEMY LADY WILDCATS, APSA GIRLS BASKETBALL CHAMPIONS.

Also:

By Rep. Edwards:

H. J. R. 205. COMMENDING MISS NEILE CHESTNUT OF WILCOX COUNTY ACADEMY FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

Also:

By Rep. Hammett:

H. J. R. 207. COMMENDING RED LEVEL HIGH SCHOOL'S MARCHING BAND FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 202, 203, 204, 205, and 207, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mitchell, Johnson (R. G.), Howard, Manley, Clark (G), Owens, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 197. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 197, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Moore, Coburn and Smith (C):

H. J. R. 201. URGING CONTRACTORS OF STATE PROJECTS TO SUPPORT THE ECONOMY OF OUR STATE THROUGH THEIR PURCHASE AND USE OF GOODS MADE IN ALABAMA.

WHEREAS, the economic well-being of our state is both directly and adversely affected by the purchase and use of goods and services from outside the state; and

WHEREAS, when our state's manufacturers are forced to close their plants, a resulting increase in unemployment detrimentally affects the economy of the state; and

WHEREAS, the State of Alabama awards numerous contracts for public improvements; and

WHEREAS, the economy of the state could be enhanced considerably if the goods and services used in these contracts were produced in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That in an appeal for the support for the state to further our own economic interests and protect the well-being of all our citizens, we hereby urge every contractor of state projects and contracts to give preference to goods and services made in Alabama if they meet or exceed the standards required by the contract.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 201, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 208. URGING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA TO INCLUDE BLACKS IN THE APPOINTMENTS TO THE BOARD.

WHEREAS, the people of Alabama ratified the Constitutional Amendment, proposed by Act No. 81-124, H. 298 of the Regular Session, 1981 (Acts 1981, p. 145), increasing the number of trustees of the University of Alabama on March 2, 1982; and

WHEREAS, the University of Alabama serves both white and black students throughout the State of Alabama and the needs of those students are met by the implementation of the policies set by the Board of Trustees; and

WHEREAS, many state colleges and universities which traditionally were institutions serving only blacks have made a practice of including whites in up to half the number of trustees on the respective boards, in order to give better perspective to policy development and racial harmony; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urge the members of the Board of Trustees of the University of Alabama to include a proportionate and fair number of blacks in their appointments to the Board, pursuant to Act No. 81-124, H. 298 of the Regular Session, 1981 (Acts 1981, p. 145), in order to better serve the needs of all its students, and to give broader perspective for policy development, and to set an example in promoting racial harmony.

RESOLVED FURTHER, That the Clerk of the House forward forthwith a copy of this resolution to each trustee of the Board of Trustees of the University of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 208, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Cheatwood and Penry:

H. J. R. 209. TO URGE MEMBERS OF THE CONGRESSIONAL BUDGET COMMITTEES TO REJECT ANY REORGANIZATION OF THE RAILROAD RETIREMENT SYSTEM PROVIDED FOR IN THE 1983 FEDERAL BUDGET.

WHEREAS, the Railroad Retirement System was established by an Act of Congress in 1935 to provide retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than forty-five years; and

WHEREAS, the Railroad Retirement System has a present cash investment worth \$3,600,000,000 and more than 1,100,000 annuitants; yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength, and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably jeopardize the continued distribution of benefits:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING:

Section 1. That the Legislature of Alabama urges the Congressional budget committees to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System.

Section 2. That copies of this resolution be transmitted to the Alabama Congressional delegation and the members of the Congressional budget committees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 209, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 559. Relating to Tuscaloosa County; amending Act No. 81-1102, H. 29, Third Special Session 1981, entitled, "An Act To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits," and providing for its retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Higginbotham	Martin	St. John	
Bailey	Holmes	McDonald	Taylor	
Britnell	Keener	Miller	Teague	
deGraffenried	Lemaster	Parsons	Weeks	
Denton	Little	Proctor		—18

Nays: —0

Abstaining: Mr. White. —1

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, S. B. 340, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 164. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 84	44	Teachers, retired, cost-of-living inc.
S. B. 158	18	Juries, separated of, consent of counsel regu.
S. B. 432	86	Rel. to dis. to distributors of gas
S. B. 225	74	State fair, awards, incr.
S. B. 50	50	ERS, re-open
S. B. 370	69	Recreation Bds., co. or mun. membership
S. B. 80	45	AL. St. Bd. of public acc. suppl. approp.
S. B. 344	68	Drivers License, persons ineligible
S. B. 292	41	Criminal work release program, failure to retur
S. B. 200	48	Swine disease, approp.
S. B. 297	43	Handgun ammunition, teflon coating, prohibit

S. B. 106	29	Insurance, license fees alt.
S. B. 386	71	Rel. to the Susie Parker Stringfellow Mem. Hosp.
S. B. 45	59	ERS, re-open for 60 yrs, or older
S. B. 374	69	AL Ed. TV Foundation Auth., estab.
S. B. 244	50	TRS, Alabama Vocational Assoc., may join
S. B. 300	77	Alabama Supreme Court, add'l. staff, approp.
S. B. 211	30	Bank investigators, app't. of
S. B. 280	36	Egg producers, assessment of monies, ref.
S. B. 281	37	Poultry & eggs, promotion of
S. B. 282	37	Poultry & eggs, promotion of c/a

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 408. To transfer certain funds to the state parks division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
deGraffenried	Lemaster	Mitchem	Taylor
Denton	Little	Proctor	Weeks
Gulledge	Martin	Robertson	White
Hall			

—20

Nays:

—0

RESOLUTION

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 165. HONORING MRS. CARRIE C. MELTON OF DECATUR, ALABAMA'S MOTHER OF THE YEAR.

WHEREAS, the selection of Mrs. Carrie C. Melton of Decatur as Alabama's Mother of the Year is truly a distinct honor and in actuality is a summation of her lifetime of achievement and service to others; and

WHEREAS, Mrs. Melton, a native of Fayette County, and her late husband, Albert R. Melton, were the parents of a son, two daughters and a foster daughter, all of whom have successfully achieved as a result of the moral and spiritual bonds of a happy and loving home; and

WHEREAS, after her retirement as a professional dietician for twenty years, Mrs. Melton and her husband became houseparents of "Operation Home" for neglected and abused children, an avocation pursued by Mrs. Melton following the death of her husband whose own accomplishments, as hers, are inseparable one from the other; and

WHEREAS, Mrs. Melton, through the years, has been a mother in every sense of the word to more than 700 children, variously providing sanctuary and loving care to each and every child in her charge; and

WHEREAS, in her role as surrogate mother to the homeless, Mrs. Melton not only gave a gift of love to each child, but to many who were critically ill or injured, the gift of life itself; and

WHEREAS, Mrs. Melton also has long been active in the religious, civic and educational affairs of her community and is a member of the East End Methodist Church which she helped organize, Chairman of the County Advisory Board of Pensions and Security, and a member of the Board of Directors of Operation Home and the Decatur Woman's Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Carrie C. Melton of Decatur, Alabama; we further stand in tribute to Mrs. Melton as Alabama's Symbol of Motherhood, and direct that she receive a copy of this resolution in sentiment of our utmost regard.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

was taken up.

Mr. Little moved that the Rules be suspended in order to offer an amendment to the Bill, S. B. 337, which motion was lost.

And said Bill, S. B. 337, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Little	Proctor		—18

Nays:

—0

RESOLUTION

Mr. Taylor offered the following Senate Resolution, to-wit:

S. R. 166. COMMENDING THE AUTAUGAVILLE HIGH SCHOOL BASKETBALL TEAM.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 221, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 221

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-29-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§36-29-1.

"When used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) EMPLOYEE. A person who works full-time for the State of Alabama or for a county health department and who received his full compensation on a monthly basis through means of a state warrant drawn upon the state treasury or by check drawn upon the state treasury or by check drawn by the treasurer of the Alabama State docks' department or by check drawn by the treasurer of Alabama state agency for surplus property other than those employees covered by the federal Railroad Retirement Act. Such term shall also include those persons who shall retire from the service of the State of Alabama after September 2, 1965, and who, at the time of such retirement, met the criteria set out in this chapter and who, following such retirement, draw a monthly benefit from the employees' retirement system of Alabama; provided that the full-time employees of the county health department in all counties having populations of not less than 300,000 nor more than 500,000 shall also be included in the definition of employee for the purpose of this chapter, and the health department of any such county is hereby authorized to pay the employer's share of any contributions to the retirement fund; provided further, that any district attorney or full-time employees in the district attorney's office, of any judicial circuit shall be included in the

definition of employee for the purpose of this chapter, and the respective judicial circuits are hereby authorized to pay the employer's share of any contribution therefor.

"(2) BOARD. The state employee's insurance board."

Section 2. The act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
deGraffenried	Hilliard	McDonald	Taylor	
Denton	Keener	Miller	Vacca	
Goodwin	Lemaster	Mitchem	White	
Gulledge	Little	Parsons		—18

Nays: —0

And said Bill, S. B. 221, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor	
deGraffenried	Keener	Mitchem	Teague	
Denton	Little	Parsons	Weeks	
Goodwin	Martin	Smith	White	
Hall				—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTIONS

Mr. Gulledge offered the following Senate Resolutions, to-wit:

S. R. 167. MOURNING THE DEATH OF THE REVEREND RAYMOND T. PARKS OF FAIRHOPE, ALABAMA.

Also:

S. R. 168. MOURNING THE DEATH OF MR. LEE CALLAWAY, PROMINENT GULF SHORES BUSINESSMAN AND CIVIC LEADER.

Which were adopted.

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 169. HONORING GENERAL JOHN W. VESSEY, JR., CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOMINEE.

WHEREAS, it is in utmost commendation and praise that this body notes the nomination by President Reagan of General John W. Vessey, Jr., as the next Chairman of the Joint Chiefs of Staff; and

WHEREAS, General Vessey, currently serving, since July 1979, as the Vice Chief of Staff for the Army, was called to active duty with the Minnesota National Guard in 1941, to rise to the rank of First Sergeant before receiving a battlefield commission at the Anzio beachhead on May 6, 1944; and

WHEREAS, in addition to World War II combat service, General Vessey also served in Korea and in Vietnam and is the recipient of numerous awards and decorations including the Distinguished Service Cross, Defense Distinguished Service Medal, two awards of the Legion of Merit, two Bronze Stars, Army Commendation Medal with "V" Device and the Purple Heart; and

WHEREAS, General Vessey, who is a graduate of the University of Maryland with a Master's Degree from George Washington University, attended also the Armed Forces Staff College and the Industrial College of the Armed Forces; his assignments, in various command and staff positions, have included tours in Germany, Thailand and in Laos; and

WHEREAS, General Vessey's military career is one of extraordinary achievement, and his recent nomination as Chairman of the Joint Chiefs of Staff is an august tribute to his professional ability and true dedication as a distinguished patriot and a great American; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General John W. Vessey, Jr., of the United States Army and direct that he be presented with a copy of this resolution bespeaking our praise and our deep appreciation of his accomplishments.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 170. COMMENDING MAJOR GENERAL CARL HERBERT McNAIR, JR., COMMANDING GENERAL, UNITED STATES ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

WHEREAS, Major General Carl H. McNair, Jr., is a graduate of the United States Military Academy at West Point and additionally holds advanced degrees earned at Georgia Institute of Technology and at Shippensburg State College; he also is a graduate of the Aviation School, Infantry School, the Armed Forces Staff College and the Army War College; and

WHEREAS, during 26 years of distinguished Army service, General McNair has served in a number of command, teaching and staff positions throughout the United States and in overseas assignment, including Taiwan and Korea as well as an extended tour in Vietnam; and

WHEREAS, General McNair is a Master Army Aviator, since 1956, and is both Airborne and Ranger qualified; of his more than 4,000 flying hours, over 1,500 were accrued in combat during 19 months and six campaigns in Vietnam, and his decorations include three awards of the Legion of Merit, four awards of the Distinguished Flying Cross, the Bronze Star Medal with "V" Device, Oak Leaf Cluster and the Air Medal with "V" Device and 51 clusters, among others; and

WHEREAS, though a Floridian by birth, General McNair, by virtue of residence, is truly an "Alabamian" now is his third assignment at Fort Rucker; his first tour was as a student in Aviation School, next in command position of the Aviation Center Troop Brigade and, currently, as Commanding General of the United States Army Aviation Center; and

WHEREAS, it is further to be noted that General McNair's contributions to the community are numerous and, through his efforts and involvement, the area enjoys a close-knit relationship inseparable in common bond; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Major General Carl Herbert McNair, Jr., as a distinguished citizen of the State of Alabama, as a true patriot and great American.

BE IT FURTHER RESOLVED, That General McNair be presented with a copy of this resolution in token of our warm praise and high regard.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White then offered the following Senate Joint Resolution, to-wit:

S. J. R. 171. COMMENDING MR. TED AVRETT, PROMINENT ENTERPRISE BUSINESSMAN AND CIVIC LEADER.

WHEREAS, a native of Geneva County, Mr. Ted Avrett is a graduate of Samson High School and attended business college before entering military service with the Alabama National Guard; he also attended the University of Maryland, while in service, and retired as a Regular Army Lieutenant Colonel following a prestigious military career of some 23 years; and

WHEREAS, Colonel Avrett served in combat during both World War II and the Korean Conflict, earning several medals including two Bronze Stars and the Legion of Merit; he also served tours of duty in various assignments throughout the states, including the Pentagon and at Fort Rucker as Executive Officer of the Post Hospital prior to his retirement; and

WHEREAS, he now is the owner and operator of two automotive dealerships and currently serves on the Dealer Council for two automobile manufacturers and is a member of the American International, National and Alabama Automobile Dealers Associations; other business interests include the Fort Rucker National Bank, which he helped to organize and now serves as Vice Chairman of the Board, and he also owns a 600-acre cattle and farm operation in his native Wiregrass; and

WHEREAS, Mr. Avrett, a Mason and Shriner and a member of the United Methodist Church, extends his community service to include involvement in the Enterprise Chamber of Commerce and, most particularly, the military and civic affairs of the area; and

WHEREAS, long active in the Association of the United States Army, Mr. Avrett is president of the Bogardus S. Cairns Chapter of the AUSA at Fort Rucker and is a member of the Army Aviation Association of America and was recently elected to the Board of Directors for the Army Aviation Museum Foundation of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ted Avrett of Enterprise for outstanding service to his community and for distinguished service to our state and nation as well.

BE IT FURTHER RESOLVED, That Mr. Avrett be presented with a copy of this resolution, tendered in praise and in commendation of achievement.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 18, 1982, at 11 o'clock A.M., which motion was adopted.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 81-954, the preliminary report of the Interim Legislative Committee to Study Federal Block Grants was read and ordered filed with the Secretary.

BILLS ON THIRD READING RESUMED

The Bill:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Program; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of Act.

was taken up.

On motion of Mr. Hall, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 47, to-wit:

AMENDMENT TO S. B. 47

Amend S. 47 as follows:

On page 16, Section 8, on line 13 delete the words "in one or more" and insert in lieu thereof the words: the three

and in line 14 after the word "State" insert the words: with the largest regional circulation

Which was adopted.

Yeas 15; Nays 5.

Yeas:

Messrs.:	Hall	Martin	Parsons	
deGraffenried	Hilliard	McDonald	Smith	
Denton	Lemaster	Miller	Taylor	
Gulledge	Little	Mitchem	Vacca	—15

Nays: Messrs.: Goodwin, Holmes, Teague, Weeks and White. —5

And said Bill, S. B. 47, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 3.

Yeas:

Messrs.:	Keener	Mitchem	Teague	
Britnell	Lemaster	Robertson	Vacca	
deGraffenried	Martin	Smith	Weeks	
Denton	McDonald	Taylor	White	—16
Holmes				

Nays: Messrs.: Hall, Little and Parsons. —3

On motion of Mr. Holmes, his name was added as co-sponsor of the above Bill, S. B. 47.

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 47, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolutions, to-wit:

S. R. 172. HONORING THE GENERAL JOHN W. VESSEY, JR., CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOMINEE.

Also:

S. R. 173. COMMENDING MAJOR GENERAL CARL HERBERT McNAIR, JR., COMMANDING GENERAL, UNITED STATES ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

Also:

S. R. 174. COMMENDING MR. TED AVRETT, PROMINENT ENTERPRISE BUSINESSMAN AND CIVIC LEADER.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc, entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

was taken up.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 141. To provide for the creation of the Alabama Health Planning Commission; to provide for the legislative intent; to provide for definitions; to provide for the composition and manner of selection of the Commission, including the power to promulgate rules and regulations; to provide for the selection of a chairman and fix the tenure of his office; to provide for the employment of an administrative officer and the manner in which his salary is fixed; to provide for per diem and reimbursement for allowable expenses for the members of the Commission; to specify the number of commissioners constituting a quorum for the transaction of business; to place restrictions upon participation by Commission members having an interest in matters before the Commission; to specify the location of the offices of the Commission and the place for the meeting of the Commission; to create and establish an advisory council; to specify the number and manner of selection of the members of the council; to specify the manner of selection of the chairman of the council; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify the functions and duties of the council; to provide for the transfer of personnel and employees from agencies of the State of Alabama to the Alabama Health Planning Commission; to specify the scope of review and the minimum capital expenditure; to provide for certain notification for the issuance of a certificate of need by the Commission; to provide for promulgation of rules and regulations establishing the criteria and clarifying definitions for reviews for certificates of need; to prohibit any person from acquiring, constructing or operating an institutional health service without first obtaining the certificate of need described in this bill; to provide for waiver of

formal review and substitutes nonsubstantive review under certain stated conditions; to specify the effective period of the certificate of need and the period for commencement and completion of the project; to prohibit transferability of the certificate of need; to provide for the establishment of a fee to be collected by the Commission for the defraying of operating expenses; to authorize an appropriation from the general funds of the State of Alabama to defray the cost of administering the Act; to specify the manner of disbursement of funds of the Commission; to provide for further review of amounts of capital expenditures which exceed the amount specified in the certificate of need; to prescribe certain findings to be made in writing for issuance of certificates of need; to prescribe the time in which the Commission shall act upon applications for certificates of need; to provide for certain named exemptions from the provisions of the Act; to require the Attorney General to appoint counsel to advise the Commission; to provide immunity from liability; to provide for notice of termination of specified services; to provide for injunctive relief in favor of specified persons against violations of the Act; to assign the duty to the Attorney General to furnish legal services to the Commission; to prohibit the State Board of Health from issuing licenses to facilities constructed in violation of the Act, to deny reimbursement for services rendered by facilities constructed in violation of the Act, to prescribe the submission of an annual report to the Governor and to the Legislature; to provide for the transfer of assets, liabilities, papers, records, equipment, furniture, and other tangible property from the State Health Planning and Development Agency to the Alabama Health Planning Commission, to provide for the transfer of funds in the State Treasury to the Alabama Health Planning Commission; to provide for the continued effectiveness of current agency actions, rules, regulations, plans and procedures; to provide for the transfer of employees performing duties pertaining to the functions of the Commission; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Mr. McDonald moved that the Bill, S. B. 141, be re-referred to another Committee under the provisions of Rule 54, which was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 141, re-referred to the Standing Committee on Finance and Taxation.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 84. To provide a cost-of-living increase in addition to benefits now received to all persons retired under the Teachers' Retirement System of Alabama prior to October 1, 1981; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide for the funding of the increase granted herein and provide for the repeal of conflicting laws.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 84, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 84

A BILL TO BE ENTITLED AN ACT

To provide an addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System

and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$2 per month for each year of creditable service attained by said member.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree for the Teachers' or Employees' Retirement Systems of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (1) There is hereby allocated and expended from existing funds of the Teachers' Retirement System, or from such funds as are appropriated to the Teachers' Retirement System for the fiscal year 1982-83, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1982.

(b) There is hereby allocated and expended from existing funds of the Employees' Retirement System of Alabama, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1982-83, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter.

(c) 1. There is hereby allocated and expended from existing funds of the State Employees' Retirement System, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1982-83, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Employees' Retirement System of Alabama, for the fiscal year beginning October 1, 1982.

2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on

account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons' eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If any actuary firm employed by the board of control of the Employees' Retirement System and/or the Teachers' Retirement System finds that the authorized cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement system, the boards of control of the retirement systems are hereby authorized and instructed to pay such cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the conditions in "A" above are not met, the cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict are inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become effective October 1, 1982, following its passage by the Alabama Legislature and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 84, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 84

Amend Finance & Taxation Committee Substitute to Senate Bill 84 on Page 2, Lines 8 and 9 by striking out all language after the word "of" and inserting in lieu thereof the following: "not to exceed \$2.00 per month for each year of creditable service attained by said member, subject to the discretion of the boards of control and the Teacher's Retirement System and the Employee's Retirement System."

On motion of Mr. deGraffenried, said amendment was laid on the table.

And on motion of Mr. deGraffenried, said substitute was laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, S. B. 84, to-wit:

SUBSTITUTE FOR S. B. 84

A BILL
TO BE ENTITLED
AN ACT

To provide an addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1982, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that education of a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$1 per month for each year of creditable service attained by said member; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$.50 per month for each year of creditable service attained by said member. In addition to the foregoing amount an additional \$1 per month increase may be granted upon the occurrence of certain conditions set forth in Section 5 of this Act; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 may receive an additional \$.50 per month increase upon the occurrence of certain conditions pursuant to Section 5 of this Act. Effective October 1, 1983, the full increase of \$2 per month shall become effective and shall be funded pursuant to Section 5 of this Act; provided any person retired pursuant to Section 36-27-7, or 36-27-7.1 code of Alabama 1975 shall receive an increase of \$1 per month, and said increase shall be funded pursuant to Section 5 of this Act.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from the assets or appropriations of the Teachers' Retirement System of Alabama \$2,858,843 or such amounts as are necessary to fund the provisions of Section 1 of this Act exclusive of such amounts funded pursuant to Section 5 of this Act. In addition to the foregoing amount, it is the intent of the legislature that the sum of \$3,290,460, said amount being appropriated in excess of the required amount to fund the Teachers' Retirement System of Alabama for the 1981-82 fiscal year, be used to fund the provisions of this Act. In the event said sum shall revert to the Alabama Special Educational Trust Fund a like sum is hereby appropriated to the Teachers' Retirement System of Alabama for the fiscal year beginning October 1, 1982 from said Trust Fund. It is further provided that any funds available from the assets or appropriations to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(b) There is hereby allocated and expended from the assets or appropriations of the Teachers' Retirement System of Alabama to the Employees' Retirement System of Alabama \$49,750 for the fiscal year beginning October 1, 1982, or such amounts as are necessary to carry out the provisions of this Act, exclusive of such amounts funded pursuant to Section 5, of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System. In addition, it is further provided that any funds available from the assets of or the appropriation to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended to the Employees' Retirement System of Alabama as may be necessary to carry out the provisions of this Act.

(c) 1. There is hereby allocated and expended from the Employees' Retirement System of Alabama \$1,462,030 or such amounts as are necessary to fund the provisions of Section 1 of this Act, for the fiscal year beginning

October 1, 1982, exclusive of such amounts funded pursuant to Section 5 of this act. In addition, it is further provided that any funds available from the assets of or the appropriations to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer or members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditure from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 37-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 37-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the additional cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If any actuary firms employed by the board of control of the Employees' Retirement System and/or the Teachers' Retirement System finds that the authorized cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement system, the boards of control of the retirement systems are hereby authorized and instructed to pay such cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the conditions in "A" above are not met, the full cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

On motion of Mr. Little, further consideration of the Bill, S. B. 84, and pending substitute, was postponed as Unfinished Business until the next Legislative Day.

The Bill:

S. 158. To amend Section 12-16-19 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	St. John
Britnell	Hilliard	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Hall	Little	Parsons	Weeks
Harrison			

—20

Nays:

—0

The Bill:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McCorquodale, Manley and Biddle:

H. 478. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 478. To the Committee on Business and Labor Relations.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 50

S. J. R. 54

S. J. R. 55

S. J. R. 57

S. J. R. 64

S. J. R. 80

Delivered to the Governor February 18, 1982, at 10:05 A.M.

S. J. R. 53

Delivered to the Governor March 2, 1982, at 2:20 P.M.

S. B. 318

Delivered to the Governor March 4, 1982, at 11:55 A.M.

S. B. 328

Delivered to the Secretary of State March 4, 1982, at 1:00 P.M.

S. J. R. 85

S. J. R. 90

S. J. R. 134

S. J. R. 137

S. J. R. 138

S. J. R. 139

S. J. R. 141

S. J. R. 151

S. B. 114

S. B. 116

S. B. 117

S. B. 118

S. B. 119

S. B. 120

S. B. 121

S. B. 122

S. B. 124

S. B. 125

S. B. 126

S. B. 127

S. B. 128

S. B. 131

S. B. 134

S. B. 139

S. J. R. 127

Delivered to the Governor March 16, 1982, at 3:05 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:55 P.M., on motion of Mr. St. John, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bills, S. B.'s 84 and 432, the Senate adjourned until Thursday, March 18, 1982 at 11 o'clock A.M.

NINETEENTH LEGISLATIVE DAY

THURSDAY, MARCH 18, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Dennis Hale, Missionary on furlough from Spain, serving the Alabama Baptist Association.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-11 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-31-1, 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Smith moved that the Senate non-concur in the following House amendment to the Bill, S. B. 112, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO THE SUBSTITUTE FOR S. B. 112

In the title, page 1, delete lines 26 through 33, and insert in lieu thereof the following:

Sections 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

In Section 4, page 2, line 21, delete the Code number "34-31-1" and the comma which follows it.

Also in Section 4, page 2, delete lines 24 through 37 completely and on page 3, delete completely lines 3 through 7.

AMENDMENT TO SUBSTITUTE FOR S. B. 112

Amend Substitute to Senate Bill 112, page 3, line 21 after the word "any" by striking person and inserting in lieu thereof business.

SUBSTITUTE FOR S. B. 112

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-17 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-31-1, 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-31-1 through 34-31-17, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, created and functioning pursuant to Sections 34-31-1 through 34-31-17 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-31-1, 34-31-12 and 34-31-13 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-31-1.

"For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them:

"(1) **REGULATED CONTRACTOR.** Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the design of heating and air conditioning systems or the installation of heating or air conditioning equipment, roofing or sheet metal material; provided, that nothing in this chapter shall apply to retail sellers of air conditioning, heating or roofing systems who do not install said systems themselves, employees of licensed general contractors or contractors involved in the installation of residential and commercial roofing and related sheet metal materials; nor shall this chapter apply to any individual employee who is engaged in, or whose partnership, corporation or association is engaged in, the repair of any such systems or materials.

"(2) **BOARD.** The state board of heating, air conditioning, roofing and sheet metal contractors."

"§ 34-31-12.

"(a) All regulated contractors in this state desiring to qualify in accordance with the provisions of this chapter shall be required to stand for an examination before the board. Any applicant failing to pass his first examination for a certificate shall be entitled to take any subsequent examination held within six months from the date of his first examination without payment of any additional fee. Any person regularly engaged in a vocation termed a regulated contractor or regularly employed by a regulated contractor on May 4, 1978, for two years shall be exempted until October 1, 1985, as provided in this chapter, from the necessity of standing for examination, and shall be certified upon payment of the certification fee and posting of such bond as the board may require.

"(b) On and after October 1, 1985, any person regularly engaged in a vocation termed a regulated contractor or regularly employed by a regulated contractor shall have passed an examination to be certified or to remain certified under this chapter."

"§ 34-31-13.

"Examinations shall be made up by the board in such manner as to test the technical knowledge, skill and efficiency of the applicants, however, applicants shall not be tested with regard to any aspect of their knowledge, skill or efficiency of general or specific business matters. Examinations shall be held at such time and place as may be fixed by the board at least quarterly. Written notice of the time and place of examinations shall be mailed to all persons who have filed current applications for the examinations with the board."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and request a Committee on Conference.

On motion of Mr. Callahan, further consideration of the House amendment to the Bill, S. B. 112, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 211. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, March 18, 1982, they adjourn to meet again on Tuesday, March 23; when they adjourn on Tuesday, March 23, they adjourn to meet again on Thursday, March 25, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 211, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 133. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48 of the Code of Alabama 1975, with

certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements for licensure, in that a candidate must have a doctorate degree from a department or school of psychology recognized by the board.

Also:

S. 136. Relating to the continued existence and functioning of the Alabama Public Library Service provided for in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, with modifications; to amend Section 41-8-5 and 41-8-7 of the Code of Alabama 1975, so as to authorize the executive board of the Alabama Public Library Service to make certain exceptions in their criteria for receiving state aid as they relate to educational requirements and hours of operation and to provide further for reports made by libraries to the Alabama Public Library Service.

Also:

S. J. R. 122. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN ALABAMA.

Also:

S. J. R. 123. DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN TUSCALOOSA COUNTY.

Also:

S. J. R. 144. DESIGNATING THE WEEK OF MARCH 15 THROUGH MARCH 19 AS GIFTED CHILDRENS' WEEK.

Also:

S. J. R. 157. COMMENDING THE HOMEWOOD HIGH SCHOOL PATRIOT BAND FOR OUTSTANDING ACHIEVEMENT.

Also:

S. 135. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING

The Bill:

H. 556. Relating to Macon County; to provide for an additional expense allowance for the assistant district attorney serving Macon County; to make the provisions of this act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	St. John
Britnell	Hilliard	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Teague
Denton	Kirkland	Pearson	Weeks
Figures	Lemaster		

—25

Nays: —0

The Bill:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Parsons	Teague
Britnell	Harrison	Robertson	Vacca
Callahan	Holmes	St. John	Weeks
Denton	Martin	Smith	White
Goodwin	Miller	Taylor	

—18

Nays: —0

RESOLUTION

Messrs, Parsons, Bailey, Britnell, Callahan, Cook deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin,

McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 175. EXPRESSING APPRECIATION TO THE HUEYTOWN HIGH SCHOOL SWINGERS SHOW CHOIR FOR THEIR PERFORMANCE FOR THE LEGISLATURE.

WHEREAS, the famous Hueytown High School Swingers Show Choir presented an outstanding program for members of the Alabama Legislature at a March 16, 1982, meeting of the League of Municipalities; and

WHEREAS, this 49-member group of extremely talented young singers, dancers and musicians is under the direction of Mr. S. J. Allen who has been Choral Director at Hueytown High School since 1966; and

WHEREAS, the Swingers Show Choir, composed entirely of junior and senior students at Hueytown High School, was established in 1973 and is choreographed by Mr. John Jacobson of Disneyworld in Orlando, Florida; and

WHEREAS, since its inception the group has traveled widely and has performed for audiences at both Rockefeller and Kennedy Centers in New York City, for the United States Senate, at Disneyworld and in Nassau, Freeport, San Juan and St. Thomas as well as for conventions such as the Alabama Education Association and the Music Educators National Conference; and

WHEREAS, though the program presented for the Legislature included a variety of selections, its emphasis primarily was on tunes of the fifties and those of the memorable era of the big bands; several stirring patriotic numbers rounded out a program that was thoroughly enjoyed by all those in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deep appreciation to Choral Director S. J. Allen and his Hueytown High School Swingers Show Choir for their outstanding performance and further commend the entire group for their accomplishments and for the fame and honor they have brought to their community, school and the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Allen on behalf of the Swingers Show Choir group with a copy also provided for appropriate display at Hueytown High School.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 123. Relating to the continued existence and functioning of the Board of Social Work Examiners provided for in Sections 34-30-1 through 34-30-58 of the Code of Alabama 1975, and as may otherwise be provided by law.

And the Speaker of the House has appointed as a Committee on the part of the House of Reps. Pegues, Hammett, and Cosby.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 261. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Barber Examiners as presently provided in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975; with certain modifications; to repeal said Sections 34-5-1 through 34-5-16, and to provide for the board of barbering and the regulation of the practice of barbering and teaching of barbering as provided for in the provisions of law in Section 4 hereof.

And the Speaker of the House has appointed as Committee on part of the House Reps. Whatley, Lewis, and Cobb.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

And the Speaker of the House has appointed as Committee on part of the House Reps. Dial, Pegues, and Whatley.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 113. To terminate the existence and functioning of the State Board of Medical Technical Examiners, and to transfer any surplus fees, funds, or monies, to the State General Fund; to transfer all property and equipment to the State Finance Department, Division of Services; and to specifically repeal Sections 34-18-1 through 34-18-47, Code of Alabama 1975.

And the Speaker of the House has appointed as Committee on part of the House Reps. Cosby, Hammett, and Pegues.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 2, to-wit:

COMMITTEE AMENDMENT TO S. B. 2

Amend S. 2 by inserting a new Section 1, Subsection (F), on Page 2, as follows:

(F) "teacher and other school employee" means an employee of any public elementary, junior, or senior high school at which the incident occurred

Further amend by inserting a new Section 1, Subsection (G), on Page 2, as follows:

"School Board" means the board of education of the county or city in which the public school is located.

Further amend by inserting new language in Section 2, on Page 2, as follows:

Section 2. It is the intention of the Legislature by the passage of the act to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

Further amend by inserting new language in Section 3, on Page 2, as follows:

Section 3. Principals shall file a report within 72 hours with the district attorney and with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of school board and the attorney general's office by the superintendent of education.

Further amend by deleting words and inserting new language in Section 4, on Page 3, as follows:

Section 4. Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and other school employee shall assist the principal in the preparation of the report required under Section 3 of this act.

REGULAR SESSION
19th Day

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Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Hall	Martin	Taylor	
Britnell	Harrison	Miller	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	St. John		—18

Nays: —0

And said Bill, S. B. 2, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John	
Bailey	Hall	Lemaster	Smith	
Britnell	Harrison	Miller	Taylor	
deGraffenried	Higginbotham	Parsons	Weeks	
Denton	Holmes	Robertson	White	—19

Nays: —0

FURTHER CONSIDERATION OF S. B. 112

The Senate proceeded to further consideration of the Bill, S. B. 112. The question was on the House amendment.

Mr. Callahan moved that the Senate concur in said House amendment to the Bill, S. B. 112.

Mr. White offered a substitute motion that the Senate non-concur in the House amendment and request a Committee on Conference, which motion was lost.

Yeas 8; Nays 13.

Yeas:

Messrs.:	Holmes	St. John	Teague	
Goodwin	Robertson	Smith	White	
Hilliard				—8

Nays:

Messrs.:	deGraffenried	Keener	Parsons	
Bailey	Denton	Lemaster	Taylor	
Britnell	Hall	Miller	Weeks	
Callahan	Harrison			—13

REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 393. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute) (With Amendments):

S. 420. To amend Sections 32-5A-191 and 32-6-19 of the Code of Alabama 1975, relating to the driving of motor vehicles, so as to prescribe additional penalties for physical injuries caused to another person while driving under the influence of alcohol or controlled substances and to any person who drives a motor vehicle while his driver's license is cancelled, suspended or revoked.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 443. To provide for jurisdiction of courts and venue in child custody cases where both parties to an original divorce proceeding and the child are physically before the court.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 390. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses and other payments.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute) (With Amendment):

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of probate judges so as to provide that the probate judge in each county in which such probate judge is paid a salary in lieu of fees, shall receive from that county a total annual compensation equal to ninety percent (90%) of the total annual compensation paid by the state and county to the presiding circuit judge in the judicial circuit serving such county; to delete certain minimum pay provisions; and to provide that the provisions of this section shall not affect the compensation of probate judges of counties where said judges receive a total compensation in excess of the amounts provided under subsection (a) of this section.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 425. To amend Sections 34-29-23 and 34-29-41 of the Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the salary of the secretary-treasurer of the board and for the identity of a license which was not properly renewed.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof):

S. 453. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

By Mr. Holmes:

S. 454. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 granting certain powers and authority to Calhoun County and each municipality situated therein relating to the acquisition, leasing, sale and development of industrial sites and industrial park projects.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Bowling and Brakefield (with notice and proof):

H. 49. Relating to Winston County; providing further for additional costs and charges in any court in any criminal proceeding, whether in municipal, district or circuit court; prescribing that the net revenues thereby collected be deposited in the Sheriff's Fund for law enforcement purposes in the county; providing for a referendum by the qualified voters of Winston County at an election called for the purpose of approving or disapproving such additional costs or charges; and providing that the provisions of this act shall become null and void unless a constitutional amendment relating to Winston County and court costs and charges is ratified.

By Rep. Blake (with notice and proof):

H. 487. Relating to St. Clair County, repealing Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), which required county and municipal governing bodies in St. Clair County to publish certain financial data.

By Rep. Wyatt (with notice and proof):

H. 568. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

By Rep. Venable (with notice and proof):

H. 578. Relating to Elmore County; providing further for the compensation of the Sheriff beginning at the next term of office.

By Rep. Venable (with notice and proof):

H. 579. Relating to Elmore County; providing further for the compensation of the Probate Judge beginning at the next term of office.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Brakefield and Naramore (with notice and proof) (With Amendment):

H. 55. Relating to Walker County; to provide that certain telephone calls that originate and terminate in Walker County shall be charged as local calls; granting the Public Service Commission the power to promulgate rules and regulations to implement the provisions of this Act; and providing exemptions from the provisions of this Act for certain Walker County residents.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Mr. Kirkland:

S. 69. To remove raccoons and foxes from the category of fur-bearing animals.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Denton (With Amendment):

S. 83. To amend Sections 28-3A-11, 28-3A-12 and 28-3A-13, Code of Alabama 1975, as amended, so as to require the consent of the governing authority of the municipality for the sale of liquor if in the police jurisdiction by certain licensees; to provide an effective date.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham (with notice and proof):

H. 594. Relating to Lauderdale County to amend Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, p. 129), which act creates the office of license commissioner, so as to provide further for the fee charged for the issuance of motor vehicle tags by mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 594, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 608. Relating to Choctaw County; to provide an expense allowance for the members of the county board of education which shall be in lieu of all other expense allowances provided for by law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 608, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shoemaker, Dial, Johnson (R. G.) (with notice and proof):

H. 611. Relating only to Talladega County further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 611, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 613. To amend Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, so as to provide that the methods of service of summons and complaints and subpoenas authorized therein for Crenshaw County are in addition to any other mode of service provided by law or rule.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 594, 608, 611, and 613. To the Committee on Local Legislation No. 1.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall (with notice and proof):

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 459, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague:

S. 460. To amend Section 16-25-3, Code of Alabama 1975, to provide for the reopening of the teacher's retirement system so as to allow certain members to repay on or before April 1, 1983, any contributions previously withdrawn plus interest.

Committee on Finance and Taxation.

By Mr. Keener:

S. 461. To amend further Section 9-17-13 of the Code of Alabama, 1975, relating to the integration of separately owned tracts of land and development of same in drilling units.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Keener:

S. 462. Relative to Class 4, 5, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722 to provide for the sale or lease of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

Committee on Governmental Affairs.

By Messrs. Keener and Teague:

S. 463. To amend Section 25-5-11 of the Code of Alabama 1975, relating to Workmen's Compensation and actions against third parties liable with employers for injury or death, so as to redefine such third parties to include certain co-employees, certain insurance carriers and certain labor unions.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 464. To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of

amounts from the obligee's unemployment compensation of entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 465. To amend Section 25-4-91, Code of Alabama, 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within one year after the end of the benefit year if the original determination was based on false or misrepresented information; to provide for appeals therefrom; to delay charges to employer's experience rating account resulting therefrom in certain circumstances; to clarify certain duplications and ambiguities incorporated in the last amendment and to provide for retroactive effect.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 466. To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 467. To amend sections 25-4-16, 25-4-32, 25-4-51, 25-4-54, 25-4-72, 25-4-77, 25-4-78, 25-4-92, 25-4-94, 25-4-118, 25-4-130, 25-4-132, and 25-4-133, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit transfer of funds deducted from the claimant for child support (as required by federal law) to the appropriate child support agency; to provide for revision of certain provisions for non-profit and governmental organizations making payments in lieu of contributions; to increase the maximum employer tax rate; to make benefit wage charges when an individual has been paid an amount equal to or exceeding one week of benefits; to increase the minimum and maximum weekly benefit rate from \$15 and \$90 respectively, to \$20 and \$110 respectively, and the method of determining such weekly rates effective for benefit years beginning on or after the first Sunday of the first calendar quarter which begins not less than 90 days after this bill becomes law and the maximum to \$120 effective for benefit years beginning on or after July 2, 1983; to provide revisions in certain conditions required of an individual to receive benefits, making the requirement for a one-week waiting period under certain circumstances and permitting receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to provide for reducing maximum benefits and the

length and effect of certain disqualifications; to require an active search for work by an unemployed individual; to redefine "suitable work" to remove "seeking a pension" as a cause for disqualification and permit reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to revise certain conditions for the termination of coverage of an employer; to increase the interest charged on delinquent tax payments; to increase the penalty for non-timely filed required reports depending upon the number of workers to be reported; to make other such amendments as are necessary to meet federal and minor administrative requirements and to set the effective dates of such provisions.

Committee on Business and Labor Relations.

By Mr. Callahan:

S. 468. Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow the legislature to enact local legislation on any subject.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Miller:

S. 469. To add a Subsection 4 to Section 11-54-80 of the Code of Alabama of 1975, as amended, to include hydroelectric utility facilities in the definition of projects qualifying to be financed through Industrial Development Boards.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 470. To provide for the emergency assessment of a surcharge of six-tenths (0.6%) percent of the taxable wages paid on or after July 1, 1982 by employers subject to the contributory provisions of the Alabama Unemployment Compensation Act; to provide for the termination of the surcharge when the fund reaches required balances and for reinstatement under certain conditions.

Committee on Business and Labor Relations.

By Mr. Miller:

S. 471. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Teague:

S. 472. To amend sections 25-4-16, 25-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the

employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 473. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the collection of benefit costs and/or contributions which are, or which may become, due based on wages earned from governmental entities which terminates employment or cease to exist; designate liability for resulting benefit cost and recovery of such costs from an abolished agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

Committee on Business and Labor Relations.

By Mr. Gulledge:

S. 474. To reorganize the operations and functions of the Alabama Industrial Development Advisory Board, the State Industrial Development Authority, the Industrial Development Committee, the Alabama Development Office, the Alabama Film Commission, the Alabama Film Commission Board, and the Bureau of Publicity and Information; to abolish said boards, agencies, committees, and divisions; to create a new Alabama State Development Board and Department of Development; to transfer all respective duties, responsibilities, authority, power, property, assets, liabilities, contractual rights and obligations and property rights, whether accruing or vesting, thereof, to the Alabama State Development Board and to the Department of Development; to specifically transfer only those powers, duties, responsibilities and provisions of: Sections 41-7-1 through 41-7-5 of the Code of Alabama 1975, relating to the Bureau of Publicity and Information; Sections 41-9-185 through 41-9-188 of the Code of Alabama 1975, relating to the Alabama Industrial Development Advisory Board; Sections 41-9-200 through 41-9-204 of the Code of Alabama 1975, relating to the Alabama Development Office; to the board and department, respectively, to the extent the provisions thereof are not in conflict with the purposes and provisions of this act; to provide for the membership, term of office, conduct of affairs, per diem, expense allowances, powers, duties of the board and filling vacancies; to provide for a director for said department, appointed by the board, his responsibilities, powers and duties, and sets the manner of compensation and benefits of employment; to prescribe the authority and duties of the board and the department; to establish divisions of research and planning, economic development, administration, tourism, and industrial training; to provide for

an executive committee and the membership therefor; to authorize the board to establish advisory councils; to prescribe the manner of handling confidential materials and information; and to repeal conflicting laws and executive orders.

Committee on Governmental Affairs.

By Mr. Gullledge:

S. 475. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of circuit judges in each judicial circuit, so as to provide that there shall be three circuit judges in the twenty-eighth judicial circuit and to require that the third judge shall be elected at the general election of 1982.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 476. To amend Section 5-18-11 of the Code of Alabama 1975, relating to books, accounts and records of licensees under the Alabama Small Loan Act, so as to provide further for annual reports of such licensees.

Committee on Banking and Insurance.

By Messrs. Mitchem, Holmes, Callahan, Teague, Goodwin, Martin, Little and Smith:

S. 477. To make a supplemental appropriation in the amount of six million five hundred thousand dollars (\$6,500,000) from the trust fund created by Act No. 81-1178, H. 72, 1981 Third Special Session, for the purpose of paying costs in connection with bonds to be issued by the Alabama Housing Finance Authority prior to January 1, 1983.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 478. To amend Section 16-13-213, Code of Alabama 1975, relating to board of education notes in anticipation of warrants, so as to alter the period of refund, renewal or extension.

Committee on Education.

By Mr. Little:

S. 479. To amend Section 11-89A-13, Code of Alabama 1975, so as to require certain solid waste authorities to have a resource recovery facility in operation before it may begin processing solid wastes.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 480. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 481. To amend Section 40-12-4 of the Code of Alabama 1975, relating to county license taxes for school purposes, so as to provide further for the procedure for levying such taxes.

Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 259. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

Yeas:

Messrs.:	Hall	Little	Pearson
Bailey	Harrison	McDonald	Smith
Denton	Hilliard	Miller	Taylor
Goodwin	Holmes	Mitchem	Teague
Gulledge	Keener	Parsons	Weeks

—19

Nays: Messrs.: Britnell, Higginbotham and White. —3

The Bill:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	McDonald	Taylor
Britnell	Hall	Miller	Teague
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener		

—17

Nay: Mr. White. —1

The Bill:

S. 83. To amend Sections 28-3A-11, 28-3A-12 and 28-3A-13, Code of Alabama, 1975, as amended, so as to require the consent of the governing authority of the municipality for the sale of liquor if in the police jurisdiction by certain licensees; to provide an effective date.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 83, to-wit:

COMMITTEE AMENDMENT TO S. B. 83

Amend Senate Bill 83, page 1, line 17, by inserting after the word "jurisdiction" and before the word "by" the following: "if said municipality regulates licenses in its police jurisdiction."

Further amend Section 1, page 1, line 30, by adding after the word "thereof" the following: "if said municipality regulates licenses in its police jurisdiction."

Further amend Section 2, page 2, line 21, by adding after the word "thereof" the following: "if said municipality regulates licenses in its police jurisdiction."

Further amend Section 3, page 3, line 8, by adding after the word "thereof," the following: "if said municipality regulates licenses in its police jurisdiction"

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Taylor	
Britnell	Higginbotham	Miller	Teague	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Smith	White	
Goodwin	Little			—17

Nays: —0

And said Bill, S. B. 83, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	McDonald	Taylor	
Britnell	Hall	Miller	Teague	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons		—18

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 83. MOURNING THE DEATH OF DR. M. VAUN ADAMS, PROMINENT MOBILE PHYSICIAN AND CIVIC LEADER.

On motion of Mr. Gullede, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 156. COMMENDING MRS. RUBY CALDWELL PICKENS OF ENSLEY, ALABAMA, UPON HER SELECTION AS ONE OF THE OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

On motion of Mr. Hilliard, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 207. COMMENDING RED LEVEL HIGH SCHOOL'S MARCHING BAND FOR OUTSTANDING ACHIEVEMENT.

On motion of Mr. Miller, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 115. COMMENDING MAURINE WOOD, MOBILE, ALABAMA.

Also:

H. J. R. 177. NAMING THE MOBILE COUNTY YOUTH CENTER LOCATED IN MOBILE, ALABAMA, THE "JAMES T. STRICKLAND YOUTH CENTER."

Also:

H. J. R. 201. URGING CONTRACTORS OF STATE PROJECTS TO SUPPORT THE ECONOMY OF OUR STATE THROUGH THEIR PURCHASE AND USE OF GOODS MADE IN ALABAMA.

Also:

H. J. R. 197. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 176. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business

taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 153	87	Budget
S. B. 66	12	Driver education, eliminated to graduate
S. B. 225	71	State fair, awards, incr.
S. B. 5	47	ERS, re-open
S. B. 242	65	Schools, military recruiting
S. B. 370	66	Recreation Bds., co. or mun. membership
S. B. 80	42	AL St. Bd. of public acc. suppl. approp.
S. B. 344	65	Drivers License, persons ineligible
S. B. 292	39	Criminal work release program, failure to return
S. B. 200	45	Swine disease, approp.
S. B. 173	37	County bd. of education, voters to elect within county
S. B. 297	41	Handgun ammunition, teflon coating, proh.
S. B. 428	80	Motor Vehicles, oversized loads moved, special permit
S. B. 106	27	Insurance, license fees alt.
S. B. 410	82	ERS, state to pick-up certain member cont.
S. B. 386	68	Rel. to the Susie Parker Stringfellow Mem. Hosp.
S. B. 394	61	Public contracts, manner of awarding alt.
S. B. 45	56	ERS, re-open for 60 yrs, or older
S. B. 374	66	AL Ed. TV Foundation Auth., estab.
S. B. 244	47	TRS, AL Vocational assoc., may join
S. B. 300	73	Alabama Supreme Court, add'l. staff, approp.
S. B. 280	34	Egg producers, assessment of monies, ref.
S. B. 281	35	Poultry & eggs, promotion of
S. B. 282	35	Poultry & eggs, promotion of c/a
S. B. 380	80	Liens, for work performed, expanded

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

And said Bill, S. B. 432, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Harrison	Martin	St. John
Bailey	Higginbotham	McDonald	Smith
Britnell	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Little	Robertson	Weeks
Gulledge			—20

Nays: Messrs. deGraffenried and Taylor. —2

Mr. Teague moved that the Senate reconsider the vote by which the Bill, S. B. 432, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 84. To provide a cost-of-living increase in addition to benefits now received to all persons retired under the Teachers' Retirement System of Alabama prior to October 1, 1981; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide for the funding of the increase granted herein and provide for the repeal of conflicting laws.

and pending deGraffenried substitute, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day, was again taken up.

RESOLUTION

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

WHEREAS, the Legislature of Alabama expresses utmost pride in Livingston State University as Gulf South Conference Tournament Champions and as participants in the NCAA Division II South Region Playoffs; and

WHEREAS, it is to be noted that with a 3-5 record at Christmas break, Livingston State University finished at 20-10 overall and won the Gulf South Conference Regular Season Championship with a 10-2 record and both losses by just one point; and

WHEREAS, in participation in Division II competition, the Livingston State University Cagers defeated Biscayne College 75-72 in the first round of play before losing to the host team and defending National Champions, Florida Southern, in triple overtime; and

WHEREAS, Head Coach Ed Murphy, who led his team to such an outstanding season, was named Conference "Coach of the Year" for the second consecutive year; and

WHEREAS, Junior guard Will Cotchery was named to the All-Gulf South Conference Team, All-Region Tournament Team, All-Region Team and was Conference "Player of the Year"; Senior forward Marvin Wesley and Senior guard Randy Terry also were named All-Gulf South Conference with forward Wesley making All-Region Tournament as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Livingston State University's Championship Basketball Team and direct that a copy of this resolution be sent to Coach Murphy with a copy also provided for appropriate display at Livingston State University.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 12:25 P.M., on motion of Mr. deGraffenried, the Senate took a recess until 1:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Livingston University Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 18th day of March, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Mr. Temple A. Ennis, P. O. Drawer E-H, Livingston, Alabama 35470. Term expires December 27, 1987; (replace Mr. Counce B. Hightower), as a member of the Livingston University Board of Trustees.

Respectfully,

FOB JAMES,
Governor.

Done this 18th day of March, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 18th day of March, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. J. R. Barnard, President, Fort McCellan Credit Union, Fort McClellan, AL 36201. Term expires 2/1/88; (Reappointment).

Mr. Roger W. Hester, Manager, Railway Employees Credit Union, Sheffield, AL 35660. Term expires 2/1/88; (Replaced Albert E. Williams) as members of the Credit Union Board of the Bureau of Credit Unions.

Respectfully,
FOB JAMES,
Governor.

Done this 18th day of March, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Pensions and Security.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 18th day of March, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mrs. Henry Brandli, 1700 Cogswell Avenue, Pell City, Alabama. Term expires 8/28/83.

Mr. Joe Dickson, 1021 Riverchase Parkway West, Birmingham, Alabama 35244. Term expires 8/28/85.

Dr. Kenneth Harris, 3100 Jamestown Drive, Montgomery, Alabama 35106. Term expires 8/28/85.

Mrs. Kay Kelley, First Alabama Bank, P. O. Box 511, Montgomery, Alabama 36101. Term expires 8/28/87.

Mr. John W. Nixon, Jr., 840 Miami Place, Birmingham, Alabama 35214. Term expires 8/28/87, as members of the Board of Pensions and Security.

Respectfully,

FOB JAMES,
Governor.

Done this 18th day of March, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Pensions and Security, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 84

The Senate proceeded to further consideration of the Bill, S. B. 84. The question was on the deGraffenried substitute.

On motion of Mr. deGraffenried, said substitute was laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, S. B. 84, to-wit:

SUBSTITUTE FOR S. B. 84

A BILL TO BE ENTITLED AN ACT

To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose

employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$1 per month for each year of creditable service attained by said member; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$.50 per month for each year of creditable service attained by said member. In addition to the foregoing amount an additional \$1 per month increase may be granted upon the occurrence of certain conditions set forth in Section 5 of this Act; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 may receive an additional \$.50 per month increase upon the occurrence of certain conditions pursuant to Section 5 of this Act. Effective October 1, 1983, the full increase of \$2 per month shall become effective and shall be funded pursuant to Section 5 of this Act; provided any person retired pursuant to Section 36-27-7, or 36-27-7.1 Code of Alabama 1975 shall receive an increase of \$1 per month, and said increase shall be funded pursuant to Section 5 of this Act.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from the assets or appropriations of the Teachers' Retirement System of Alabama \$2,858,843 or such amounts as are necessary to fund the provisions of Section 1 of this Act exclusive of such amounts funded pursuant to Section 5 of this Act. In addition to the foregoing amount, it is the intent of the legislature that the sum of \$3,290,460, said amount being appropriated in excess of the required amount to fund the Teachers' Retirement System of Alabama for the 1981-82 fiscal year, be used to fund the provisions of this Act. In the event said sum shall revert to the Alabama Special Educational Trust Fund a like sum is hereby appropriated to the Teachers' Retirement System of Alabama for the fiscal year beginning October 1, 1982, from said Trust Fund. It is further provided that any funds available from the assets or appropriations to the Teachers' Retirement System of Alabama in accordance with Sections 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(b) There is hereby allocated and expended from the assets or appropriations of the Teachers' Retirement System of Alabama to the Employees' Retirement System of Alabama \$49,750 for the fiscal year beginning October 1, 1982, or such amounts as are necessary to carry out the provisions of this Act, exclusive of such amounts funded pursuant to Section 5 of this Act, as

they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System. In addition, it is further provided that any funds available from the assets of or the appropriation to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended to the Employees' Retirement System of Alabama as may be necessary to carry out the provisions of this Act.

(c) 1. There is hereby allocated and expended from the Employees' Retirement System of Alabama \$1,462,030 or such amounts as are necessary to fund the provisions of Section 1 of this Act, for the fiscal year beginning October 1, 1982, exclusive of such amounts funded pursuant to Section 5 of this Act. In addition, it is further provided that any funds available from the assets of or the appropriations to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer or members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions or higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the additional cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees'

Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If any actuary firms employed by the board of control of the Employees' Retirement System and/or the Teachers' Retirement System finds that the authorized cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement system, the boards of control of the retirement systems are hereby authorized and instructed to pay such cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the condition in "A" above are not met, the full cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Mr. Little offered the following substitute for the deGraffenried substitute for the Bill, S. B. 84, to-wit:

SUBSTITUTE FOR S. B. 84

A BILL
TO BE ENTITLED
AN ACT

To provide a cost-of-living increase in addition to benefits now received to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1981, provided no person who is retired from an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer from which he is retired elects to come under the provisions of this act, provided further that persons in this class whose employers were a local board of education or state supported institution of higher education shall be entitled to said increase; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive

said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund; and to provide a source of funding the benefits granted herein.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama, and who is receiving a retirement allowance therefrom, a cost of living increase of \$1.20 per month for each year of creditable service attained by said member; provided any person retired under the provisions of section 36-27-7, or 36-27-7.1 Code of Alabama shall receive an increase of \$.60 per month for each year of creditable service attained by said member.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided herein.

Section 3. (a) There is hereby allocated and appropriated from the existing funds appropriated to the Teachers' Retirement System for the fiscal year 1982-83, such amounts as are necessary to fund and carry out the provisions of section one of this Act as it relates to retired members of the Teachers' Retirement System, for the fiscal year beginning October 1, 1982.

(b) There is hereby appropriated from the existing funds of the Teachers' Retirement System for the fiscal year 1982-83, such amounts as are necessary to fund and carry out the provisions of section one of this Act as it relates to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System.

(c) (1) To the extent that the provisions of this Act apply to the Employees' Retirement System of Alabama, there is hereby appropriated from the existing funds appropriated to the Employees' Retirement System for the fiscal year 1982-83, such amounts as are necessary to fund and carry out the provisions of section one of this Act.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under section one of this Act and shall notify in advance the state budget officer and the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in section one of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in section one of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent appropriations shall be reduced to only the amount necessary to fund the benefit increases herein provided in section one of this Act.

(e) No person who is retired from an employer participating under Sections 36-27-7 or 36-27-7.1 of the Code of Alabama 1975, shall be entitled to the benefits provided in section one of this Act, unless such employer elects to

come under the provisions of this section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided hereinabove, must bear the cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Sections 36-27-7 36-27-7.1 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in section one of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in section one of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. The increases granted in section one shall be funded pursuant to Section 36-27-24 or other applicable provisions of law for the fiscal years beginning October 1, 1983 and each year thereafter, so long as the legislature shall continue to provide the increases granted herein.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective October 1, 1982, following its passage by the Alabama Legislature and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. deGraffenried, said substitute was laid on the table.

And said deGraffenried substitute was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	Weeks
Goodwin	Little	Robertson	White
Gulledge	Martin	St. John	

—26

Nays: —0

And said Bill, S. B. 84, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	deGraffenried	Gulledge	Higginbotham
Britnell	Denton	Hall	Holmes
Callahan	Goodwin	Harrison	Keener

Kirkland	McDonald	Proctor	Taylor	
Lemaster	Miller	Robertson	Vacca	
Little	Mitchem	St. John	Weeks	
Martin	Parsons	Smith	White	—27
<i>Nays:</i>				—0
<i>Abstaining:</i> Mr. Teague.				—1

FURTHER CONSIDERATION OF S. B. 112

The Senate proceeded to further consideration of the Bill, S. B. 112. The question was on the House amendment.

Mr. Weeks moved that the Senate reconsider the vote by which it failed to non-concur in said House amendment.

Mr. Miller moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 14; Nays 15.

Yeas:

Messrs.:	deGraffenried	Holmes	Little	
Bailey	Denton	Keener	Miller	
Britnell	Hall	Kirkland	Parsons	
Callahan	Harrison	Lemaster		—14

Nays:

Messrs.:	Hilliard	Robertson	Teague	
Figures	Martin	St. John	Vacca	
Goodwin	Mitchem	Smith	Weeks	
Higginbotham	Pearson	Taylor	White	—15

The question was then on the motion of Mr. Weeks, which was adopted, and the Senate reconsidered the vote by which it failed to non-concur in the House amendment.

And on motion of Mr. White, the Senate non-concurred in the House amendment to the Bill, S. B. 112, and requested a Committee on Conference.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Britnell	Higginbotham	Miller	Teague	
Callahan	Hilliard	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Pearson	White	
Figures	Lemaster	Robertson		—26

Nays: —0

And the President and Presiding Officer of the Senate appointed as Conferees on the part of the Senate Messrs. Smith, Gullledge, and Hilliard.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama for debt service and capital improvements for the fiscal year ending September 30, 1983.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 153, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 153

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1983 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1983 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the 1975 Code of Alabama), the provisions of The Budget Management Act (Act No. 494 adopted at the 1976 Regular Session), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3:

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program	950
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SOURCE OF FUNDS:

(1) ASETF - Transfer	950
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Total Alabama Academy of Honor	950	950
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2. Arts and Humanities, Council on the:

(a) Fine Arts Program	1,140,560
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(b) Jefferson County Committee for Economic Opportunity, Inc.	25,000
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(c) Alabama Outdoor Drama	10,000
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(d) Brown Arts Council	7,500
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(e) Heritage Band	10,000
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The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) ASETF - Transfer	852,500
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(2) Federal and Local Funds	340,560
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Total Council on the Arts and Humanities	852,500	340,560	1,193,060
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3. Debt Service	867,964
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(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	218,256
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(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated ...	34,964
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For interest on Auburn University Endowment	20,280
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For interest on University of Alabama Endowment 61,000
 For interest on Grove Hill Endowment 600
 For interest on Public School Fund Endowment:
 Interest on 16th Section Lands Estimated 410,000
 Interest on School Indemnity Lands, Estimated 90,000
 Interest on Valueless 16th Section Lands 5,825
 Interest on Surplus Revenue 26,764
 Interest on James Wallace Fund 275
 Total 649,708

SOURCE OF FUNDS:

(1) ASETF	867,964	
Total Debt Service	867,964	867,964

4. Dental Scholarship Awards, Board of:

(a) Support of Other Educational Activities Programs		227,000
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SOURCE OF FUNDS:

(1) ASETF	227,000	
Total Board of Dental Scholarship Awards	227,000	227,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of:

(a) Instructional Technical Assistance Program		7,525,285
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The proposed spending plan for the above is as follows:

Career Education 98,000
 Vocational Education ... 651,000
 Special Education Administration 450,000

SOURCE OF FUNDS:

(1) ASETF	2,173,441	
(2) Federal and Local Funds		5,351,844

Total Instructional Technical Assistance Program	2,173,441	5,351,844	7,525,285
(b) Local Agency Support Program			10,521,514

The proposed spending plan for the above is as follows:

Coordination of In-School Television 85,000

Driver Education, School Bus Driver Training and Vehicle Safety Inspection 205,000

Free Textbooks 7,887,700

In addition to the above appropriation, \$2,450,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing 600,000

In addition to the above appropriation, \$150,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Testing to be conditioned on the availability of funds and the approval of the Governor.

Plans and Surveys 71,000

SOURCE OF FUNDS:

(1) ASETF 8,848,700

(2) Federal and Local Funds 1,672,814

Total Local Agency Support Program	<u>8,848,700</u>	<u>1,672,814</u>	<u>10,521,514</u>
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(c) Regulation Program			1,196,000
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Teacher Certification and Accreditation 257,105

SOURCE OF FUNDS:

(1) ASETF 257,105

(2) Federal and Local Funds 938,895

Total Regulation Program	<u>257,105</u>	<u>938,895</u>	<u>1,196,000</u>
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(d) Administrative Services Program			10,879,032
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The proposed spending plan for the above is as follows:

Compact for Education 32,000

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Operations and Maintenance of
Department 1,594,822

Telephone Network
Fund 1,300,000

SOURCE OF FUNDS:

(1) ASETF	2,926,822	
(2) Federal and Local Funds		<u>7,952,210</u>
Total Administrative Services Pro- gram	<u>2,926,822</u>	<u>7,952,210</u> <u>10,879,032</u>

The above appropriation shall in-
clude a transfer to the State Per-
sonnel Department of \$72,952.

(e) Adult Education Program ... 3,925,496

The proposed spending plan for the
above is as follows:

Adult Basic Education . 1,400,000

Community Education ... 160,000

SOURCE OF FUNDS:

(1) ASETF	1,560,000	
(2) Federal and Local Funds		<u>2,365,496</u>
Total Adult Education Program .	<u>1,560,000</u>	<u>2,365,496</u> <u>3,925,496</u>

(f) Support of State Universities
Program 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>256,833</u>	
Total Support of State Universities Program	<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Reha-
bilitation/Crippled Children
Services Program 601,145

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>601,145</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program	<u>601,145</u>	<u>601,145</u>

(h) Disability Determination for
Social Security Program 16,704,067

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>16,704,067</u>	
Total Disability Determination for Social Security Program	<u>16,704,067</u>	<u>16,704,067</u>

(i) Financial Assistance Program 193,198,170

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>193,198,170</u>	
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Total Financial Assistance Program	193,198,170	193,198,170
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(j) Support of Other Educational Activities		9,300
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The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents	9,300
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SOURCE OF FUNDS:

(1) ASETF	9,300
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Total Support of Other Educational Activities	9,300	9,300
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For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Education Program	1,500,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc.	250,000
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(2) Birmingham Regional Emergency Medical System	250,000
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(3) North Alabama Emergency Medical Services, Inc.	250,000
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(4) Southeast Alabama Emergency Medical Services System, Inc.	250,000
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(5) East Alabama Emergency Medical Services, Inc.	250,000
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(6) Southwest Alabama Emergency Medical Services Council, Inc.	250,000
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The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,500,000</u>		
Total Emergency Medical Services Education Program	<u>1,500,000</u>		<u>1,500,000</u>
(1) Direct Client Services for the Handicapped			36,794,545
To be distributed by the Department of Education as follows:			
Crippled Children Services Program	4,731,867		
Hemophilia Program	279,000		
Rehabilitation Services Program	6,166,675		
Homebound Program	2,000,000		
Handicapped Recreation Program	186,000		
(To provide recreation and services at a year-round accredited handicapped recreation facility.)			

SOURCE OF FUNDS:

(1) ASETF	13,363,542		
(2) Federal and Local Funds		<u>23,431,003</u>	
Total Direct Client Services for the Handicapped	<u>13,363,542</u>	23,431,003	<u>36,794,545</u>
(m) Drug Education Program ...			150,000

SOURCE OF FUNDS:

(1) ASETF	<u>150,000</u>		
Total Drug Education Program ..	<u>150,000</u>		<u>150,000</u>

Total Department of Education:

SOURCE OF FUNDS:

(1) ASETF	30,788,910		
(2) Federal and Local Funds		<u>252,472,477</u>	
Grand Total Department of Education	<u>30,788,910</u>	<u>252,472,477</u>	<u>283,261,387</u>
6. Employees' Insurance, State ..			501,840

SOURCE OF FUNDS:

(1) ASETF	<u>501,840</u>		
Total State Employees Insurance	<u>501,840</u>		<u>501,840</u>

7. Employees' Retirement, State 272,000

SOURCE OF FUNDS:

(1) ASETF 272,000

Total State Employees' Retirement 272,000 272,000

8. Examiners of Public Accounts:

(a) Legislative Support-Audit Services Program 1,100,000

For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF - Transfer 1,100,000

Total Examiners of Public Accounts 1,100,000 1,100,000

9. Fine Arts, Alabama School of:

(a) Fine Arts Program 1,012,000

SOURCE OF FUNDS:

(1) ASETF 855,000

(2) Federal and Local Funds 157,000

Total Alabama School of Fine Arts 855,000 157,000 1,012,000

10. Firefighters' Personnel Standards and Education Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program 105,946

The appropriation to the Alabama Firefighter's Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$213.

SOURCE OF FUNDS:

(1) ASETF - Transfer 105,946

Total Alabama Firefighters' Personnel Standards and Education Commission 105,946 105,946

11. Health, Department of Public:

(a) Health Support Services Program 195,794

For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program	991,706
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>1,187,500</u>	
Total Department of Public Health	<u>1,187,500</u>	<u>1,187,500</u>

12. Higher Education, Alabama Commission on:

(a) Planning & Coordination Services Program	1,069,100
(b) Alabama Student Grant Program	3,000,000

SOURCE OF FUNDS:

(1) ASETF	<u>4,069,100</u>	
Total Alabama Commission on Higher Education	<u>4,069,100</u>	<u>4,069,100</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Industrial Development Training Institute, Alabama:

(a) Industrial Training Program	1,450,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,450,000</u>	
Total Alabama Industrial Development Training Institute	<u>1,450,000</u>	<u>1,450,000</u>

14. State Board of Education—Junior College School System:

(a) Academic Instruction and Institutional Support Program .. 74,786,923

SOURCE OF FUNDS:

(1) ASETF	44,883,714
(2) Federal and Local Funds	6,293,416
(3) State Funds	3,570,711
(4) Other Funds	14,757,824
(5) Auxiliary Enterprises	<u>5,281,258</u>

Total Junior College School System	<u>44,883,714</u>	<u>29,903,209</u>	<u>74,786,923</u>
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This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) \$200,000 to each Junior College.

(B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1981-82 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1981-82 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College. Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$292,329 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama:

(a) Support of Other Educational Activities Program 251,068

SOURCE OF FUNDS:

(1) ASETF	<u>251,068</u>
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Total Alabama Law Institute	251,068	251,068
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16. Legislature:

(a) House Operations & Support Program		940,500
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(b) Senate Operations & Support Program		627,000
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SOURCE OF FUNDS:

(1) ASETF - Transfer	1,567,500	
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Total Legislature	1,567,500	1,567,500
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17. Library Service, Public:

(a) Public Library Service Program		4,418,363
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) ASETF	3,494,490	
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(2) Federal and Local Funds		923,873
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Total Public Library Service	3,494,490	923,873	4,418,363
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Any State Funds which are awarded to public libraries shall be used by such libraries for acquisitions only.

In addition to the above appropriation for the Public Library Service, there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of \$400,000 to be conditioned on the availability of funds and upon the approval of the Governor.

18. Marine Environmental Sciences Consortium:

(a) Support of Other Educational Activities Program		691,000
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SOURCE OF FUNDS:

(1) ASETF	500,000	
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(2) Federal and Local Funds		191,000
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Total Marine Environmental Sciences Consortium	500,000	191,000	691,000
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19. Medical Scholarships Awards, Boards of:

(a) Support of Other Educational Activities Program 716,000

SOURCE OF FUNDS:

(1) ASETF 716,000

Total Board of Medical Scholarships Awards 716,000 716,000

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program 524,322,631

SOURCE OF FUNDS:

(1) ASETF 486,146,146

(2) Public School Fund 33,500,000

(3) Local Funds 4,676,485

Total Minimum Program and Public School Fund 486,146,146 38,176,485 524,322,631

The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama; and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1982-83 is based on 23,432 teacher units.

It is provided in the event there are more than 23,432 earned teacher units for the fiscal year 1982-83, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$401,375,784. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	2,577.69	\$ 49,120,461
I	17,843	12,254.60	218,658,828
II	15,535	8,599.71	133,596,495
III	13,080	0	0
IV	11,359	0	0
TOTALS		23,432.00	\$401,375,784

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For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$68,538,131.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,520,034.

For "Principal Supplement" an amount not to exceed the total of \$2,343,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$50,395,482.

21. Board of Education:

(a) Financial Assistance Program 272,379,346

SOURCE OF FUNDS:

(1) ASETF 272,379,346

Total Board of Education 272,379,346 272,379,346

To be distributed by the State
Board of Education for:

(a) Hospital Medical Insurance
Assistance for Professional Staff,
Support Staff, and Adult School
Bus Drivers 18,481,857

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$309.00 shall be appropriated per person.

(b) Teachers Sick Leave 3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick
Leave 1,431,781

The appropriation hereinabove
shall provide sick leave in ac-
cordance with Act No. 208, 1977
Regular Session.

Teachers Personal Leave . 925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace
Fees 9,405,250

Of the appropriation hereinabove made for Funds to Replace fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for

grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

(f) Maintenance 5,630,287

(g) Continuation of funds previously granted for Special Education 25,248,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education.

Of the \$25,248,991 for Special Education, \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$250,000 shall be allocated to the McInnis School in Montgomery, Alabama; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142. In addition to the above appropriation for the Continuation of funds previously granted for Special Education, there is hereby appropriated \$2,888,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(h) Kindergarten teacher units 20,924,344

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$17,695,306. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	31.21	\$ 594,738
I	17,843	349.92	6,243,623
II	15,535	698.87	10,856,945
TOTALS		1,080.00	\$17,695,306

For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$3,158,978.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

- (i) Supportive teacher
units 33,739,483

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h), and additional units in (j). The above appropriation is for 1,677 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,725,505. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	184.45	\$ 3,514,879
I	17,843	876.89	\$15,646,348
II	15,535	615.66	9,564,278
TOTALS		1,667.00	\$25,725,505

For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$4,905,191.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,787.

- (j) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-6 13,071,797

The above appropriation is for 650
teacher units and includes
salaries, other current expenses,
and capital improvements at the
following rates:

For "Salaries" the sum shall not exceed \$11,128,394. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	71.11	\$ 1,355,072
I	17,843	338.07	6,032,183
II	15,535	240.82	3,741,139
TOTALS		650.00	\$11,128,394

For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$1,901,237.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

- (k) Special Education 66,023,283

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$55,506,270. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	249.92	\$ 4,762,476
I	17,843	1,792.70	31,987,146
II	15,535	1,207.38	18,756,648
TOTALS		3,250.00	\$55,506,270

For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$9,506,185.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(1) Vocational teacher
units 60,402.339

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education . 6,587,008

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,618,296. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	29.81	\$ 568,059
I	17,843	207.97	3,710,809
II	15,535	86.22	1,339,428
TOTALS		324.00	\$5,618,296

For "Other Current Expenses" an amount not to exceed \$2,924.98 for each earned teacher unit but the total shall not exceed the sum of \$947,694.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Salary increase for lunch-
room workers formerly
granted 7,007,328

22. Nursing, Alabama Board Of:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 687,500

The appropriation to the Alabama
Board of Nursing shall include a
transfer to the State Personnel
Department of \$639.

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Act No. 68, 1977 Special Ses- sion, Scholarships for Graduate Nurses	57,000		
(2) Alabama Board of Nursing Trust Fund-as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended		630,500	
Total Alabama Board of Nursing	57,000	630,500	687,500

23. Peace Officers' Standards and
Training Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Pro- gram	116,998
(b) Certified Law Enforcement Academy Programs	500,000

The appropriation made above for
the Certified Law Enforcement
Academy Program shall be ex-
pended as follows:

Jacksonville State Univers- ity	140,000
University of Alabama ..	140,000
James H. Faulkner Jr. Col- lege	140,000
Troy State University Mont- gomery	80,000
Total	\$500,000

The appropriation to the Alabama
Peace Officers Standards and
Training Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$160.

SOURCE OF FUNDS:

(1) ASETF	316,998
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(2) Alabama Peace Officers' Standards and Training Fund-as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended

300,000

Total Alabama Peace Officers' Standards and Training Commission

316,998

300,000

616,998

24. Physical Fitness, Commission on:

(a) Advisory Services Program ..

125,000

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$213.

SOURCE OF FUNDS:

(1) ASETF

125,000

Total Commission on Physical Fitness

125,000

125,000

25. State Board of Education-Postsecondary Vocational-Technical Education System:

(a) Academic Instruction and Institutional Support Program ..

58,137,336

SOURCE OF FUNDS:

(1) ASETF

37,732,213

(2) Federal and Local Funds

3,324,861

(3) State Funds

658,995

(4) Other Funds

11,808,645

(5) Auxiliary Enterprises

4,612,622

Total Postsecondary Vocational-Technical Education System ..

37,732,213

20,405,123

58,137,336

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools. The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) North-

west Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$324,809 may be used by the State Board of Education for Administration of the Vocational-Technical School Program.

26. Shelton State Community
College-State Fire College:

(a) Academic Instruction and Institutional Support Program ..	228,559
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SOURCE OF FUNDS:

(1) ASETF	<u>228,559</u>	
Total Shelton State Community College-State Fire College	<u>228,559</u>	<u>228,559</u>

27. Social Security (ASETF
SHARE):

(a) For State's share of Social Security, Estimated	90,307,888
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SOURCE OF FUNDS:

(1) ASETF	<u>90,307,888</u>	
Total Social Security (ASETF Share)	<u>90,307,888</u>	<u>90,307,888</u>

28. Teachers' Retirement System
of Alabama:

(a) Retirement Systems Program, Estimated	174,408,000
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SOURCE OF FUNDS:

(1) ASETF-Teachers Retirement System, Estimated	161,532,000	
(2) ASETF-Teachers Special Pension Fund, Estimated	<u>12,876,000</u>	
Total Teachers' Retirement System Program (State's Share)	<u>174,408,000</u>	<u>174,408,000</u>

29. Tenure Commission, State:

(a) Regulation Program	8,000
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SOURCE OF FUNDS:

(1) ASETF	<u>8,000</u>
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Total State Tenure Commission .	<u>8,000</u>	<u>8,000</u>
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30. Television Commission, Education:

(a) Educational TV Services Program		2,785,621
(b) Public Radio Services Program		185,541

The appropriation to the Education Television Commission shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) ASETF	2,121,162		
(2) Federal and Local Funds		<u>850,000</u>	
Total Education Television Commission	<u>2,121,162</u>	<u>850,000</u>	<u>2,971,162</u>

In addition to the above appropriation, \$1,000,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Education Television Commission to be conditioned on the availability of funds and the approval of the Governor.

31. Unemployment Compensation:	2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	<u>2,000,000</u>	
Total Unemployment Compensation	<u>2,000,000</u>	<u>2,000,000</u>

32. Veterans' Education Benefits:

(a) Administration of Veterans' Affairs Program	1,715,500
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SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,715,500</u>	
Total Veterans' Education Benefits	<u>1,715,500</u>	<u>1,715,500</u>

The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

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Section 4.

A. FINANCIAL ASSISTANCE
TO NON-STATE EDUCA-
TIONAL AGENCIES:

1. American Legion and Auxiliary
Scholarships:

(a) Support of Other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	4,700
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Total American Legion and Auxil- iary Scholarships	4,700	4,700
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(To be expended under the provi-
sions of Act No. 676, 1978 Regu-
lar Session).

2. Sylacauga Nurses Training
School:

(a) Support of Other Educational Activities Program	84,600
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SOURCE OF FUNDS:

(1) ASETF	84,600
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Total Sylacauga Nurses Training School	84,600	84,600
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3. Environmental Quality Associ-
ation, Alabama:

(a) Environmental Education Pro- gram	162,750
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SOURCE OF FUNDS:

(1) ASETF	162,750
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Total Alabama Environmental Quality Association	162,750	162,750
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Section 5.

Colleges, Universities and Schools

I. Board of Trustees of University
of Alabama:

A. THE UNIVERSITY

1. Operations and Maintenance .	37,564,950	25,779,470	63,344,420
2. Research, Extension and Public Service	2,129,000	289,600	2,418,600
3. Emergency Medical Services .	145,000		145,000
4. Center for Emotionally Dis- turbed Children	548,000		548,000
5. Nursing Scholarships	18,000		18,000

6. School of Mines and Energy Development	1,583,000		1,583,000
7. Capstone Medical Center	862,000		862,000
8. Alabama Museum of Natural History	172,000	49,500	221,500
9. College of Community Health Services Medical Education ...	2,503,000	96,000	2,599,000
10. Cooperative University Upper Division Program-Gadsden	206,000	81,000	287,000
11. Rural Infant Stimulation Environment Program	144,000		144,000
12. High Risk Nursery	117,000		117,000
13. Safe State Program	178,000		178,000
14. Legal Clinical Education/Research	185,000		185,000
15. Auxiliary Enterprises		22,811,388	22,811,388
16. Restricted Funds		17,505,000	17,505,000
17. Advocacy Program for the Developmentally Disabled	25,000		25,000

SOURCE OF FUNDS:

(1) ASETF	46,379,950		
(2) Other Funds		66,611,958	
Total University of Alabama	<u>46,379,950</u>	<u>66,611,958</u>	<u>112,991,908</u>

B. UNIVERSITY OF ALABAMA
IN BIRMINGHAM

1. University College	15,650,537	17,108,200	32,758,737
2. School of Community and Allied Health	2,199,592	886,258	3,085,850
3. Regional Technical Institute ..	1,977,531	260,700	2,238,231
4. Joint Health Sciences	3,232,025	728,300	3,960,325
5. Student Nurses Loans	11,410		11,410
6. Nursing Scholarships	84,048		84,048
7. School of Nursing	3,443,601	957,425	4,401,026
8. Center for Labor Education and Research	271,861		271,861
9. Urban Research and Public Service	313,240		313,240
10. School of Medicine	17,460,597	15,104,220	32,564,817
11. School of Optometry	2,412,747	1,554,500	3,967,247
12. School of Dentistry	7,719,125	4,338,300	12,057,425
13. System Medical Education Program	504,682		504,682

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14. School of Public Health	1,514,643	260,050	1,774,693
15. Family Practice Residency Programs	1,605,163		1,605,163
The above appropriation shall be expended for residency programs as follows:			
Anniston	252,722		
East End	252,722		
Jefferson County	252,722		
Montgomery	252,722		
Selma	341,553		
Gadsden	252,722		
16. Diabetes	100,000		100,000
17. University Hospitals	5,975,653	136,585,902	142,561,555
18. School of Engineering and Business	440,606		440,606
19. Public Health Research Program	144,102		144,102
20. Department of Pediatrics	618,400		618,400
21. Health-Related Research and Public Service	2,915,266		2,915,266
22. Emergency Medical Service and Training	165,282		165,282
23. Montgomery Internal Medical Residency	235,889		235,889
24. Hypertension Research	400,931		400,931
25. Multipurpose Arthritis Center	400,931		400,931
26. Medical Genetics Program ..	290,647		290,647
27. Research Development & Relations	150,000		150,000
28. Special Mental Health		3,454,288	3,454,288
29. Center for Developmental and Learning Disorders		583,926	583,926
30. Auxiliary Enterprises		7,460,500	7,460,500
31. Restricted Funds		51,110,500	51,110,500
32. Community Biomedical Research		<u>325,000</u>	<u>325,000</u>

SOURCE OF FUNDS:

(1) ASETF	70,238,509	
(2) Special Mental Health Trust Fund		4,038,214
(3) Other Funds		<u>236,688,855</u>

Total University of Alabama in Birmingham	70,238,509	240,727,069	310,965,578
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C. UNIVERSITY OF ALABAMA
IN HUNTSVILLE

1. Operations and Maintenance .	7,716,254	8,954,735	16,670,989
2. Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	46,800		46,800
4. School of Primary Medical Care	2,812,903	127,200	2,940,103
5. Community Medicine Rural Preceptorship Program	32,538		32,538
6. Johnson Environmental and Energy Center	361,154		361,154
7. Ambulatory Care Center	848,017	637,000	1,485,017
8. School of Nursing	937,457	180,057	1,117,514
9. Paramedic Training	123,468		123,468
10. Alabama Solar Energy Center	356,667		356,667
11. Auxiliary Enterprises		1,997,814	1,997,814
12. Research Institute	150,000		150,000

SOURCE OF FUNDS:

(1) ASETF	13,403,258		
(2) Other Funds		11,896,806	

Total University of Alabama in Huntsville	13,403,258	11,896,806	25,300,064
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II. Board of Trustees of Alabama
A & M University

A. ALABAMA A & M UNIVER-
SITY

1. Operations and Maintenance .	9,677,129	10,114,800	19,791,929
2. Vocational Teacher Training .	264,595		264,595
3. Cooperative Extension, Re- search and Service	300,000		300,000
4. Auxiliary Enterprises		4,038,583	4,038,583

SOURCE OF FUNDS:

(1) ASETF	10,241,724		
(2) Other Funds		14,153,383	

Total Alabama A & M University	10,241,724	14,153,383	24,395,107
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III. Board of Trustees of Alabama
State University

A. ALABAMA STATE UNIVER-
SITY

1. Operations and Maintenance .	8,546,557	8,960,640	17,507,197
2. Auxiliary Enterprises		4,178,037	4,178,037

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855

SOURCE OF FUNDS:

(1) ASETF	8,546,557		
(2) Other Funds		<u>13,138,677</u>	
Total Alabama State University .	<u>8,546,557</u>	<u>13,138,677</u>	<u>21,685,234</u>

IV. State Board of Education

A. ATHENS STATE COLLEGE

1. Operations and Maintenance .	1,848,519	882,569	2,731,088
2. Auxiliary Enterprises		<u>231,961</u>	<u>231,961</u>

SOURCE OF FUNDS:

(1) ASETF	1,848,519		
(2) Other Funds		<u>1,114,530</u>	
Total Athens State College	<u>1,848,519</u>	<u>1,114,530</u>	<u>2,963,049</u>

V. Board of Trustees of Auburn University

A. AUBURN UNIVERSITY

1. Operations and Maintenance .	42,118,533	42,458,870	84,577,403
2. Educational Television	386,506		386,506
3. Center for Vocational and Adult Education	548,910		548,910
4. Clinical Psychology	120,760		120,760
5. Engineering Experiment Station	919,351		919,351
6. Public Service, Research and Extension	396,159		396,159
7. Energy Research	282,971		282,971
8. Food Animal Health & Disease Research	300,000		300,000
9. Ralph Draughon Library	100,000		100,000
10. Auxiliary Enterprises		<u>20,689,063</u>	<u>20,689,063</u>

SOURCE OF FUNDS:

(1) ASETF	45,173,190		
(2) Other Funds		<u>63,147,933</u>	
Total Auburn University	<u>45,173,190</u>	<u>63,147,933</u>	<u>108,321,123</u>

B. AGRICULTURAL EXPERIMENT STATION

1. Operations and Maintenance .	<u>8,650,466</u>	<u>11,120,396</u>	<u>19,770,862</u>
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SOURCE OF FUNDS:

(1) ASETF	8,650,466		
(2) Other Funds		<u>11,120,396</u>	

Total Agricultural Experiment Station	<u>8,650,466</u>	<u>11,120,396</u>	<u>19,770,862</u>
C. COOPERATIVE EXTENSION SERVICE			
1. Operations and Maintenance .	9,367,860	9,517,166	18,885,026
2. Retirement	<u>1,400,000</u>		<u>1,400,000</u>
SOURCE OF FUNDS:			
(1) ASETF	10,767,860		
(2) Other Funds		<u>9,517,166</u>	
Total Cooperative Extension Service	<u>10,767,860</u>	<u>9,517,166</u>	<u>20,285,026</u>
D. AUBURN UNIVERSITY AT MONTGOMERY			
1. Operations and Maintenance .	7,113,222	6,387,993	13,501,215
2. Montgomery Area Community Health Sciences Institute	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	47,436	215,187
4. Auxiliary Enterprises		1,619,450	1,619,450
5. Nursing Scholarships	<u>18,000</u>		<u>18,000</u>
SOURCE OF FUNDS:			
(1) ASETF	7,349,922		
(2) Other Funds		<u>8,054,879</u>	
Total Auburn University at Montgomery	<u>7,349,922</u>	<u>8,054,879</u>	<u>15,404,801</u>
VI. Board of Trustees of Jacksonville State University			
A. JACKSONVILLE STATE UNIVERSITY			
1. Operations and Maintenance .	11,724,888	5,376,000	17,100,888
2. Cooperative Univ. Upper Division Program-Gadsden	464,000	91,000	555,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,890		100,890
5. Vocational Teacher Training .	100,890		100,890
6. Auxiliary Enterprises		<u>2,620,210</u>	<u>2,620,210</u>
SOURCE OF FUNDS:			
(1) ASETF	12,408,668		
(2) Other Funds		<u>8,087,210</u>	
Total Jacksonville State University	<u>12,408,668</u>	<u>8,087,210</u>	<u>20,495,878</u>

VII. Board of Trustees of
Livingston University

A. LIVINGSTON STATE UNIVERSITY

1. Operations and Maintenance .	3,852,665	1,180,304	5,032,969
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,496,700</u>	<u>1,496,700</u>

SOURCE OF FUNDS:

(1) ASETF	3,870,665		
(2) Other Funds		<u>2,677,004</u>	
Total Livingston University	<u>3,870,665</u>	<u>2,677,004</u>	<u>6,547,669</u>

VIII. Board of Trustees of University of Montevallo

A. UNIVERSITY OF MONTEVALLO

1. Operations and Maintenance .	6,114,610	3,245,101	9,359,711
2. School for Aphasic Children ..	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	69,597		69,597
5. Auxiliary Enterprises		<u>3,251,380</u>	<u>3,251,380</u>

SOURCE OF FUNDS:

(1) ASETF	6,542,081		
(2) Other Funds		<u>6,496,481</u>	
Total University of Montevallo ..	<u>6,542,081</u>	<u>6,496,481</u>	<u>13,038,562</u>

IX. Board of Trustees of University of North Alabama

A. UNIVERSITY OF NORTH ALABAMA

1. Operations and Maintenance .	8,222,106	5,366,032	13,588,138
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>2,734,905</u>	<u>2,734,905</u>

SOURCE OF FUNDS:

(1) ASETF	8,240,106		
(2) Other Funds		<u>8,100,937</u>	
Total University of North Alabama	<u>8,240,106</u>	<u>8,100,937</u>	<u>16,341,043</u>

X. Board of Trustees of University of South Alabama

A. UNIVERSITY OF SOUTH ALABAMA

1. Operations and Maintenance .	12,468,995	10,625,096	23,094,091
2. Medical Research and Public Service	284,223		284,223

3. Family Practice Residency Program	568,293		568,293
4. College of Medicine	9,285,484	9,942,287	19,227,771
5. Medical Center Hospital	1,144,714	35,745,779	36,890,493
6. Newborn Growth and Development Program	80,834		80,834
7. Division of Allied Health	770,640	190,433	961,073
8. School of Nursing	709,493	261,488	970,981
9. Nursing Scholarships	18,000	4,800	22,800
10. Research, Public Service and Extension	92,916	65,000	157,916
11. Paramedic Training Program	140,808	44,000	184,808
12. Basic Medical Sciences	276,400	49,500	325,900
13. Birth Defect Genetic Center .	199,587		199,587
14. Auxiliary Enterprises		<u>6,600,566</u>	<u>6,600,566</u>
SOURCE OF FUNDS:			
(1) ASETF	26,040,387		
(2) Other Funds		<u>63,528,949</u>	
Total University of South Alabama	<u>26,040,387</u>	<u>63,528,949</u>	<u>89,569,336</u>

In addition there is hereby appropriated the sum of \$1,300,000 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

XI. Board of Trustees of Troy State University

A. TROY STATE UNIVERSITY

1. Operations and Maintenance at Troy	7,876,026	5,651,900	13,527,926
2. Operations and Maintenance at Ft. Rucker/Dothan	1,071,949	1,200,946	2,272,895
3. Operations and Maintenance in Montgomery	274,859	1,522,000	1,796,859
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	61,568	274,831	336,399
6. School of Nursing-Montgomery	250,000	45,655	295,655
7. Branch Campus at Phenix City	93,452	405,000	498,452
8. Auxiliary Enterprises		<u>4,594,310</u>	<u>4,594,310</u>

SOURCE OF FUNDS:

(1) ASETF	9,663,854		
(2) Other Funds		<u>13,694,642</u>	

Total Troy State University	<u>9,663,854</u>	<u>13,694,642</u>	<u>23,358,496</u>
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The Board of Trustees of Troy State University shall be permitted to transfer the above appropriations from the Alabama Special Educational Trust Fund between the listed line items.

XII. Board of Trustees for Alabama Institute for Deaf and Blind

1. Children and Youth Programs	6,244,901	1,367,380	7,612,281
2. E. H. Gentry Technical Facility	1,955,689	2,169,650	4,125,339
3. Industries for the Blind	<u>605,302</u>	<u>10,080,184</u>	<u>10,685,486</u>

SOURCE OF FUNDS:

(1) ASETF	8,805,892	
(2) Other Funds		<u>13,617,214</u>

Total Alabama Institute for Deaf and Blind	<u>8,805,892</u>	<u>13,617,214</u>	<u>22,423,106</u>
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Section 6.

Governor's Education Program ..		388,292
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To the State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF	<u>388,292</u>
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Total Governor's Education Program	<u>388,292</u>	<u>388,292</u>
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In addition to the above appropriation, \$1,611,708 is hereby appropriated to the Governor's Education Program, from the Alabama Special Educational Trust Fund, to be conditioned on the availability of funds and the approval of the Governor.

Section 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,454,288 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$583,926 to be expended for the Center for Development and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated thirty-three million five-hundred thousand dollars (\$33,500,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-(a) on page 18. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1983, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1983.

SECTION 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 10. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein be held unconsti-

tutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 11. This act shall become effective on October 1, 1982.

Mr. Pearson offered the following amendment to the substitute for the Bill, H. B. 153, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 153

Amend House Bill 153 as substituted on page 43, line 9, by striking the figures "3,852,665" and "5,032,969" and by inserting in lieu thereof the figures "4,101,665" and "5,281,969", respectively.

Further amend House Bill 153 as substituted on page 43, lines 13 and 15, by striking the figure "3,870,665" and inserting in lieu thereof the figure "4,119,665".

Further amend House Bill 153 as substituted on page 43, line 15, by striking the figure "6,547,669" and inserting in lieu thereof the figure "6,796,669".

Further amend House Bill 153 as substituted on page 3, line 30 by inserting the following:

"In addition to the above appropriation, \$200,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Council on the Arts and Humanities to be conditioned on the availability of funds and the approval of the Governor."

Further amend House Bill 153 as substituted on page 11, after line 15, by inserting the following:

"In addition to the above appropriation, \$100,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Crippled Children Services Program to be conditioned on the availability of funds and the approval of the Governor."

Further amend House Bill 153 as substituted on page 14, after line 17, by inserting the following:

"In addition to the above appropriation, \$1,200,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Student Assistance Program of the Alabama Commission on Higher Education to be conditioned on the availability of funds and the approval of the Governor."

Further amend House Bill 153 as substituted on page 17, line 36, by striking the figure "\$400,000" and inserting in lieu thereof the figure "800,000".

Further amend House Bill 153 as substituted on page 23, line 31, by striking the figure "2,888,000" and inserting in lieu thereof the figure "3,088,000".

Further amend House Bill 153 as substituted on page 44, line 35, by striking the figure "1,300,000" and by inserting in lieu thereof the figure "1,324,500".

Further amend House Bill 153 as substituted on page 46, line 13 by striking it in its entirety and inserting in lieu thereof the following:

"A. Governor's Education Pro-
gram 388,292"

Further amend House Bill as substituted on page 46, line 29, by insert-
ing the following:

"B. Burned-Out School Program-
\$2,000,000 is hereby appropriated
for Burned-Out-Schools, from the
Alabama Special Educational
Trust Fund, to be conditioned on
the availability of funds and the
approval of the Governor. This
conditional appropriation is to be
allocated as follows:

- (1) Bessemer City Board of Education - \$400,000
- (2) Bullock County Board of Education - \$200,000
- (3) Cullman County Board of Education - \$400,000
- (4) Macon County Board of Education - \$200,000
- (5) Central Junior High School in Madison County - \$800,000"

Further amend House Bill 153 as substituted on page 15, lines 11 and 16
by striking the figure "44,883,714" and insert in lieu thereof the figure
"44,980,670".

Further amend House Bill 153 as substituted on page 15, lines 9 and 16
by striking the figure "74,786,923" and insert in lieu thereof the figure
"74,883,879".

Further amend House Bill 153 as substituted on page 30, lines 12 and 18
by striking the figure "37,732,213" and insert in lieu thereof the figure
"37,635,257".

Further amend House Bill 153 as substituted on page 30, lines 10 and 18
by striking the figure "58,137,336" and insert in lieu thereof the figure
"58,040,380".

Further amend House Bill 153 as substituted on page 22, lines 9 and 13
by striking the figure "25,248,991" and insert in lieu thereof the figure
"25,048,991".

Further amend House Bill 153 as substituted on page 26, line 25 by
striking the figure "60,402,339" and insert in lieu thereof the figure
"60,602,339".

Further amend House Bill 153 as substituted on page 26, after line 33 by
inserting the following:

"In addition to the above appropriation for Vocational teacher units,
there is also hereby appropriated the sum of \$855,486 from the Alabama
Special Educational Trust Fund to be conditioned on the availability of funds
and upon the approval of the Governor."

Further amend House Bill 153 as substituted on page 34 line 28 by
inserting the following section:

"33. Youth Services, Department of:

(a) Youth Services Program 13,239,813

The appropriation to the Depart-
ment of Youth Services shall in-
clude a transfer to the State Per-
sonnel Department of \$18,211.

SOURCE OF FUNDS:

(1) ASETF	12,159,265		
(2) Federal and Local Funds		<u>1,080,548</u>	
Total Department of Youth Services	<u>12,159,265</u>	<u>1,080,548</u>	<u>13,239,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session).

The above appropriation from the Alabama Special Educational Trust Fund shall be conditional on the availability of funds and the approval of the Governor.

Further amend House Bill 153 as substituted by striking in its entirety Section 3-A-11 on page 13 and inserting in lieu thereof the following section:

"11. Health, Department of Public:

(a) Health Support Services Program 195,794

For Public School Fund Sanitation.

(b) Personal Health Improvement Program.

(1) Perinatal Activities 791,706

Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

(2) Immunization Activities 200,000

For immunization of preschool children and students.

SOURCE OF FUNDS:

(1) ASETF-Transfer	<u>1,187,500</u>		
Total Department of Public Health	<u>1,187,500</u>		<u>1,187,500</u>

Amend Senate Substitute to H. 153 by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 20, Sub-section (a), Page 19, Line 29.

Further amend by deleting the figure \$68,538,131 and inserting the figure \$73,937,098 found in Section 20, Sub-section (a), Page 19, Line 30.

Further amend by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 21, Subsection (h), Page 24, Line 19.

Further amend by deleting the figure \$3,158,978 and inserting the figure \$3,407,821 found in Section 21, Sub-section (h), Page 24, Line 20.

Further amend by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 21, Sub-section (i), Page 25, Line 11.

Further amend by deleting the figure \$4,905,191 and inserting the figure \$5,291,589 found in Section 21, Sub-section (i), Page 25, Line 12.

Further amend by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 21, Sub-section (j), Page 25, Line 30.

Further amend by deleting the figure \$1,901,237, and inserting the figure \$2,051,004 found in Section 21, Sub-section (j), Page 25, Line 31.

Further amend by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 21, Sub-section (k), Page 26, Line 20.

Further amend by deleting the figure \$9,506,185 and inserting the figure \$10,255,018 found in Section 21, Sub-section (k), Page 26, Line 21.

Further amend by deleting the figure \$2,924.98 and inserting the figure \$3,155.39 found in Section 21, Sub-section (m), Page 27, Line 22.

Further amend by deleting the figure \$947,694 and inserting the figure \$1,022,346 found in Section 21, Sub-section (m), Page 27, Line 23.

Further amend by deleting the language and figure \$7,007,328 found in Section 21, Sub-section (n), Page 27, Lines 26 & 27.

Further amend House Bill 153 as substituted on page 36, line 30 after the word "Legal", by striking the word "Clinical";

Further amend House Bill 153 as substituted on page 21, by striking line 23 in its entirety and insert in lieu thereof the following:

"Title I, Title IV and Title VI";

Further amend House Bill 153 as substituted on page 21, by striking lines 34 and 35 in their entirety and insert in lieu thereof the following:

"ESEA, Title I, Title VI, and Title VI teachers and ESAA teachers)."

Further amend on page 18, Section 20, Lines 27 and 33 by deleting "524,322,631" and inserting in lieu thereof the figure "529,721,598".

Further amend on page 18, Section 20, Lines 29 and 33 by deleting the figure "486,146,146" and inserting in lieu thereof the figure "491,545,113".

Further amend House Bill 153 as substituted on page 20 Lines 11, 13 and 14 by striking the figure "272,379,346" and by inserting in lieu thereof the following:

"273,987,839"

Further amend House Bill 153 as substituted in Section 3-A-5, subsection (1) on page 11 after line 29 by adding the following:

"In addition to the above appropriation, the following conditional appropriation is hereby made:

Cystic Fibrosis Treatment Program—All age groups included 270,000

All appropriation is to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor."

Amend H. B. 153 as substituted on page 46 after line 10 by inserting the following:

"In addition to the above appropriation, \$100,000 is appropriated to the Children and Youth Program, \$46,961 is appropriated to E. H. Gentry Technical Facility and \$6,039 is appropriated to the Industries for the Blind. These appropriations are to be conditioned on the availability of funds in the ASETF and the approval of the Governor."

Further amend on page 23 line 24 after the word "Blind" by inserting the following:

"50,000 to the Special Education School in Vinemont in Cullman County"

Amend H. B. 153 as substituted in Section 3-A-26 on page 32 after line 13 by adding the following sentence:

"There is hereby appropriated to Shelton State Fire College, \$18,250 to be conditioned upon the availability of funds and upon the approval of the Governor".

Which was adopted.

And said substituted, as thus amended, was then adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Hilliard	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge	Little	Robertson	

—30

Nays:

—0

And said Bill, H. B. 153, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Callahan	Denton	Gulledge
Bailey	Cook	Figures	Hall
Britnell	deGraffenried	Goodwin	Harrison

Higginbotham	Little	Pearson	Taylor	
Hilliard	Martin	Proctor	Teague	
Holmes	McDonald	Robertson	Vacca	
Keener	Miller	St. John	Weeks	
Kirkland	Mitchem	Smith	White	
Lemaster	Parsons			—33
<i>Nays:</i>				—0

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 84, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 178. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE'S ICE HOCKEY CHARGERS.

Which was adopted.

ADJOURNMENT

At 3:05 P.M., on motion of Mr. St. John, the Senate adjourned until Tuesday, March 23, 1982, at 1:30 P.M.

TWENTIETH LEGISLATIVE DAY

TUESDAY, MARCH 23, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Joe Tarpley, Missionary to Nigeria serving the Southern Baptist Convention.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White
Glass	Kirkland	Proctor	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

BILL RECONSIDERED

In accordance with the provisions of Senate Rule 29, Mr. Cook offered the following Motion in Writing, to-wit:

"Having voted on the prevailing side of the motion, I move that the motion to table the motion to reconsider the vote which was taken on H. B. 153 be reconsidered."

Which was adopted, and the Senate reconsidered said vote.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	St. John	
Cook	Harrison	McDonald	Smith	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Keener	Pearson		—22

Nay: Mr. Hilliard. —1

And the motion to table the motion to reconsider the vote by which the Bill:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

as amended by the substitute, as amended (which said substitute and amendment are set out in the Journal for the Nineteenth Legislative Day), was passed, was then lost.

And on motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, H. B. 153, as amended, was passed.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, H. B. 153, as amended, was ordered to its third reading.

On motion of Mr. Cook, further consideration of the Bill, H. B. 153, as amended, was postponed temporarily

NOTICE IN WRITING

Mr. St. John filed the following Notice in Writing, to-wit:

"Notice is hereby given in accordance with the Senate Rules that on the next Legislative Day a Motion will be made to amend Rule 29. I propose a Rules change, as follows:

"Change Rule 29 by adding after the word 'question' in the first sentence in said Rule 29 the words, 'other than a motion to table'."

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Holmes (with notice and proof):

S. 482. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may

pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 482, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Smith and McDonald:

S. 483. To amend Act No. 81-663, Regular Session 1981, to further define prescription drugs and to specifically exempt colostomy bags and attachments from state gross sales taxes.

Committee on Finance and Taxation.

By Mr. Kirkland (with notice and proof):

S. 484. Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 484, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 485. To make an additional appropriation for salaries and other expenses for the use of the Legislature.

Committee on Finance and Taxation.

By Messrs. Higginbotham and Little (with notice and proof):

S. 486. Relating to Chambers County; authorizing the county commission to supplement the salary of the district judge.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 486, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard:

S. 487. Relating to any Class 1 or Class 2 municipality, as defined by Section 11-40-12 of the Code of Alabama 1975, as amended; authorizing any such municipality to create a municipal dormitory building and renovation authority; authorizing the Authority to acquire, construct and equip self-liquidating projects consisting of buildings for dormitories and renovation of existing buildings for dormitories for any public institution of higher education; conferring powers and imposing duties on the Authority; providing for the appointment of members of the Authority; authorizing the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; authorizing the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; providing that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; making such revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and fixing the venue for jurisdiction of actions relating to any provisions of this Act.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 488. To provide that any justice or judge of the supreme court or a court of appeals who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one year period in which such election and purchase shall be completed.

Committee on Finance and Taxation.

By Messrs. Callahan and Teague:

S. 489. To provide that the retirement income of certain peace officers shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by Sections 16-25-23 and 36-27-28, Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 490. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationships; to provide for a presumption of

paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor or other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Committee on Judiciary.

By Mr. McDonald:

S. 491. To provide a cost-of-living salary increase for the chief justice and associate justices of the supreme court, judges of the criminal court of appeals and civil court of appeals, circuit court judges and district court judges for the fiscal year beginning October 1, 1982; to specifically reject the Report of the State Judicial Compensation Commission; and to prescribe that any person covered under the provisions of this Act shall be ineligible for any other cost-of-living increase or appropriation for the fiscal year beginning October 1, 1982.

Committee on Finance and Taxation.

By Messrs. Smith, Cook, Parsons, McDonald, Martin and St. John:

S. 492. To amend Section 36-26-2, Code of Alabama of 1975, as last amended to provide special consideration to disabled veterans, wartime veterans and unremarried spouses of certain disabled, deceased, missing in action, prisoner of war, military service personnel and veterans in employment in, layoff from and promotions to State Government Merit System jobs.

Committee on Governmental Affairs.

By Mr. Proctor (with notice and proof):

S. 493. Relating to Talladega County; providing recording fees charged by the probate judge.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 493, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem (with notice and proof):

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission to be used for the promotion of Marshall County as a tourist destination; providing that the Director of Revenue shall collect such tax.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 494, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Kirkland:

S. 495. To prevent commercial exploitation of raccoon and fox and further the rights of sportsmen.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Weeks (with notice and proof):

S. 496. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 496, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

INTERIM COMMITTEE REPORT FILED

Pursuant to H. J. R. 56, Act No. 81-1200, the report of Interim Committee to Study New Guidelines placed on the Farmers by the Farmers Home Administration was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 115. COMMENDING MAURINE WOOD, MOBILE, ALABAMA.

Also:

H. J. R. 177. NAMING THE MOBILE COUNTY YOUTH CENTER LOCATED IN MOBILE, ALABAMA, THE "JAMES T. STRICKLAND YOUTH CENTER."

Also:

H. J. R. 197. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 201. URGING CONTRACTORS OF STATE PROJECTS TO SUPPORT THE ECONOMY OF OUR STATE THROUGH THEIR PURCHASE AND USE OF GOODS MADE IN ALABAMA.

Also:

H. J. R. 207. COMMENDING RED LEVEL HIGH SCHOOL'S MARCHING BAND FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 556. Relating to Macon County; to provide for an additional expense allowance for the assistant district attorney serving Macon County; to make the provisions of this act retroactive.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller,

Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 179. COMMENDING OLIVER ROBINSON, UAB.

WHEREAS, Oliver Robinson was the first freshman basketball player to be signed by UAB's Coach Gene Bartow; and

WHEREAS, the "Big O" has played in all but one game in his four years at UAB; and

WHEREAS he holds twenty-three school records; and

WHEREAS in 1981-82, he led the team to the final eight of the Mideast Regional Tournament, a feat never before accomplished in the State of Alabama; and

WHEREAS Oliver has been named First Team All Sun Belt Conference, Sun Belt Conference Player of the Year, Sun Belt Conference Tournament Most Valuable Player, NCAA Mideast Regional Most Valuable Player, All District, All Regional, and Honorable Mention All American;

THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, congratulates Oliver on his outstanding accomplishments; and

BE IT FURTHER RESOLVED that he receive a copy of this resolution as an expression of our esteem for his outstanding ability and our expectations of his future success.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White then offered the following Senate Joint Resolution, to-wit:

S. J. R. 180. COMMENDING THE UAB BASKETBALL TEAM.

WHEREAS the UAB, in 1980-81, in its third year of basketball competition, had a 23-9 record and played in the final sixteen of the NCAA Mideast Regional Tournament; and

WHEREAS in 1981-82, the fourth year of its basketball competition, UAB compiled a 25-6 record and played in the NCAA final eight of the Mideast Regional tournament; and

WHEREAS, to reach the illustrious eight, UAB defeated Indiana and third-ranked University of Virginia; and

WHEREAS UAB is only one of five programs in the United States that have reached the Regional level competition for the last two consecutive years in the NCAA Tournament; and

WHEREAS, UAB's accomplishment in reaching the final eight of the Mideast Regional has never been achieved by any other Division One basketball team in the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, does heartily compliment seniors Norman Anchrum, Chris Giles, Craig Lane, Jonath Nicholas, Oliver Robinson, and Donnie Speer for their accomplishments; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to them as an expression of the high esteem that the Legislature and the people of Alabama have for their accomplishments, and as an expression of our sincere hope that their future endeavors will be as successful.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Callahan requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 348, on page 73 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 348, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 211. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

The Standing Committee on Rules offered the following substitute for the Resolution, H. J. R. 211, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 211

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, March 18, 1982, they adjourn to meet again on Tuesday, March 23.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 211, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 205. COMMENDING MISS NEILE CHESTNUT OF WILCOX COUNTY ACADEMY FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

On motion of Mr. Taylor, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Little offered the following Senate Resolutions, to-wit:

S. R. 181. MOURNING THE DEATH OF PROFESSOR EDGAR C. GLYDE OF AUBURN, ALABAMA.

Also:

S. R. 182. CONGRATULATING MRS. CECIL WOOD UPON BEING SELECTED ALEXANDER CITY'S FIRST LADY FOR 1981.

Also:

S. R. 183. COMMENDING MR. CHARLES T. "BUD" PORCH, OF ALEXANDER CITY, ON BEING NAMED MAN OF THE YEAR.

Which were adopted.

Mr. Kirkland offered the following Senate Resolutions, to-wit:

S. R. 184. COMMENDING MR. KNUD NIELSEN, JR., PROMINENT ALABAMA FLORIST.

Also:

S. R. 185. MOURNING THE DEATH OF MISS CAROLYN KIRKLAND OF BREWTON, ALABAMA.

Also:

S. R. 186. MOURNING THE DEATH OF MR. MILTON PATRICK KIRKLAND OF BREWTON, ALABAMA.

Which were adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 204. COMMENDING THE WILCOX COUNTY ACADEMY LADY WILDCATS, APSA GIRLS BASKETBALL CHAMPIONS.

On motion of Mr. Taylor, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 187. COMMENDING THE HONORABLE KATIE TURNER UPON HER ELECTION AS GOVERNOR OF THE ALABAMA DISTRICT, PILOT CLUB INTERNATIONAL, INCORPORATED.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint

Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 177. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

On motion of Mr. Robertson, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 202. COMMENDING COACH NELSON HUGHES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 203. COMMENDING WRESTLER TIM MINOR OF HEWITT-TRUSSVILLE HIGH SCHOOL.

Also:

H. J. R. 188. COMMENDING THE HALEYVILLE HIGH SCHOOL GIRLS BASKETBALL TEAM, STATE 3A CHAMPIONS.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

INTERIM COMMITTEE REPORT FILED

Pursuant to S. J. R. 190, Act No. 81-499, the report of the Interim Committee on Municipal Government was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 165. HONORING MRS. CARRIE C. MELTON OF DECATUR, ALABAMA'S MOTHER OF THE YEAR.

Also:

S. J. R. 163. TO URGE MEMBERS OF THE CONGRESSIONAL BUDGET COMMITTEES TO REJECT ANY REORGANIZATION OF THE RAILROAD RETIREMENT SYSTEM PROVIDED FOR IN THE 1983 FEDERAL BUDGET.

Also:

S. J. R. 83. MOURNING THE DEATH OF DR. M. VAUN ADAMS, PROMINENT MOBILE PHYSICIAN AND CIVIC LEADER.

Also:

S. J. R. 156. COMMENDING MRS. RUBY CALDWELL PICKENS OF ENSLEY, ALABAMA, UPON HER SELECTION AS ONE OF THE OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

Also:

S. J. R. 162. COMMENDING CHARLES H. GRAY AND BESSIE THURMAN GRAY.

Also:

S. J. R. 169. HONORING GENERAL JOHN W. VESSEY, JR., CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOMINEE.

Also:

S. J. R. 171. COMMENDING MR. TED AVRETT, PROMINENT ENTERPRISE BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 175. EXPRESSING APPRECIATION TO THE HUEY-TOWN HIGH SCHOOL SWINGERS SHOW CHOIR FOR THEIR PERFORMANCE FOR THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 so as to define "foreign trained physical therapist" and license such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; to change the name of "physical therapy assistant" to "physical therapist assistant"; to remove the board from being a "collection agency" and grant the board the authority to approve examinations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 130, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 130

Amend Senate Bill 130, page 5, line 24, after the word "duties" by striking the period . and inserting the following language:

but shall not issue any rules or regulations that require a physical therapy assistant to be within sight of a consulting physical therapist or a physical therapist supervisor while working under the direction of that physical therapist.

HOUSE AMENDMENT TO S. B. 130

Amend Senate Bill 130, page 11, line 36, after the word "has" by striking thus.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Parsons	
Callahan	Gulledge	Little	St. John	
Cook	Hall	Martin	Smith	
Denton	Hilliard	Miller	Teague	
Glass	Holmes	Mitchem	Vacca	—19

Nays: —0

RESOLUTION

Messrs. Little and Higginbotham offered the following Senate Resolution, to-wit:

S. R. 188. COMMENDING MR. VINCE McDONALD UPON HIS RETIREMENT AS MANAGER AND EXECUTIVE DIRECTOR OF THE VALLEY CHAMBER OF COMMERCE.

Which was adopted.

BILLS ON THIRD READING

The Bill:

S. 453. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Callahan	Hilliard	Miller	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland	Proctor	White	
Glass	Little			—25

Nays:

—0

The Bill:

S. 454. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 granting certain powers and authority to Calhoun County and each municipality situated therein relating to the acquisition, leasing, sale and development of industrial sites and industrial park projects.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor
Bailey	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Smith
Callahan	Holmes	Mitchem	Teague
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Pearson	White
Figures	Little		

—25

Nays:

—0

The Bill:

H. 49. Relating to Winston County; providing further for additional costs and charges in any court in any criminal proceeding, whether in municipal, district or circuit court; prescribing that the net revenues thereby collected be deposited in the Sheriff's Fund for law enforcement purposes in the county; providing for a referendum by the qualified voters of Winston County at an election called for the purpose of approving or disapproving such additional costs or charges; and providing that the provisions of this act shall become null and void unless a constitutional amendment relating to Winston County and court costs and charges is ratified.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Hall	Miller	Taylor
Britnell	Hilliard	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Glass	Little		

—25

Nays:

—0

The Bill:

H. 487. Relating to St. Clair County, repealing Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), which required county and municipal governing bodies in St. Clair County to publish certain financial data.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	Miller	Teague	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

Nays: —0

The Bill:

H. 568. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor	
Bailey	Gulledge	McDonald	St. John	
Britnell	Harrison	Miller	Taylor	
Callahan	Hilliard	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 578. Relating to Elmore County; providing further for the compensation of the Sheriff beginning at the next term of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Britnell	Harrison	Miller	Taylor	
Callahan	Hilliard	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 579. Relating to Elmore County; providing further for the compensation of the Probate Judge beginning at the next term of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor
Bailey	Goodwin	Martin	St. John
Britnell	Harrison	Miller	Taylor
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

—25

Nays:

—0

The Bill:

H. 55. Relating to Walker County; to provide that certain telephone calls that originate and terminate in Walker County shall be charged as local calls; granting the Public Service Commission the power to promulgate rules and regulations to implement the provisions of this Act; and providing exemptions from the provisions of this Act for certain Walker County residents.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 55, to-wit:

COMMITTEE AMENDMENT TO H. B. 55

Amend House Bill 55 on page 1, line 28, by striking out Section 3 and inserting in lieu thereof the following Section 3, and renumbering subsequent sections accordingly:

"Section 3. The Alabama Public Service Commission shall within 120 days of the passage of this Act conduct hearings to determine the new rates to be charged by the Walker County exchanges and determine what the rates will be. Such rates will be such that the Walker County exchanges will be made whole as a result of the additional capital improvements and all other expenses incurred as required by this Act. No rates will be increased as a result of this Act other than the rates of the subscribers of the affected Walker County exchanges. Upon the Alabama Public Service Commission determining the rate increases made necessary by this Act, the Commission will notify the affected Walker County exchanges of such increases. Within 60 days of such notification, the affected Walker County exchanges shall mail to the affected subscribers a ballot whereby such subscribers may vote "yes" or "no" on the projected rate increases. Should a majority of said affected subscribers vote "yes", then the affected Walker County exchanges shall conform to this Act in providing local call service within Walker County as stated in Sections 1 and 2. Should a majority of the affected subscribers vote "no", then the Walker County exchanges shall not be required to comply with Sections 1 and 2 of this Act.

Further amend House Bill 55, Section 2, page 1, line 26 by deleting the word "a" before the word "Jefferson" and inserting in lieu thereof the following:

"an exchange located in"

Further amend House Bill 55, Section 2, page 1, line 26 after the word "County" by deleting the remainder of lines 26 and 27 in their entirety.

On motion of Mr. St. John, said amendment was laid on the table.

Mr. St. John then offered the following substitute for the Bill, H. B. 55, to-wit:

SUBSTITUTE FOR H. B. 55

A BILL
TO BE ENTITLED
AN ACT

Relating to Walker County; to provide that all telephone calls that originate and terminate in Walker County, except those to and from telephones served by an exchange in Jefferson County, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Walker County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as provided in Section 2 and subject to the provisions in Section 3 through 5 hereof, all telephone calls that originate and terminate within Walker County shall be charged as local calls.

Section 2. It is further provided that the provisions of this Act shall not apply to telephones in Walker County which are served by an exchange located in Jefferson County.

Section 3. Telephone companies serving the telephones in the Walker County exchanges affected by this Act shall be made whole for all additional expenses and revenue losses resulting from the implementation of this Act. This make whole requirement shall include, but not be limited to, all capital expenditures, all loss of toll revenues, all expenses incurred in the study to determine the costs for providing this service, all costs of customer notice and all direct and indirect costs incurred in the provision of this service.

Section 4. No rates for any subscribers, other than those for the subscribers in Walker County affected by this Act, shall be raised as a result of the implementation of this Act.

Section 5. The Alabama Public Service Commission shall within 120 days of the effective date of this Act conduct hearings to determine the new rates to be charged the Walker County subscribers affected by this Act. Upon determining the new rates made necessary by the provisions of this Act, the Alabama Public Service Commission shall give notice to the affected Walker County subscribers by publishing a weekly notice in the newspaper of general circulation in Walker County for four consecutive weeks. Within 60 days of the last such publication, the telephone companies serving the affected Walker County exchanges shall mail to each affected subscriber a ballot, detailing the old and proposed new rates for that subscriber, and stating that said ballots shall be returned to the telephone companies within 30 days. On this ballot the subscriber may vote "yes" or "no" on the proposed new rates. Should a majority of the said affected subscribers vote "yes", then the telephone companies serving the affected Walker County exchanges shall conform to this Act in providing local calls within Walker County, as stated in Sections 1 and 2. Should a majority of said affected subscribers vote "no", the telephone companies serving the affected Walker County exchanges shall not be required to conform to its provisions.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

And said Bill H. B. 55, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 189. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twentieth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 242	63	Schools, military recruiting
S. B. 225	69	State fair, awards, incr.
S. B. 5	45	ERS, re-open
S. B. 370	64	Recreation Bds., co. or mun. mem.
S. B. 249	44	Retirement system, re-open for military

REGULAR SESSION
20th Day

885

S. B. 80	40	AL St. Bd. of public acc. suppl. approp.
S. B. 303	36	AL Higher Education Commission, am'd.
S. B. 343	81	Community Serv. Dept., est. for Economic Disadvantaged
S. B. 344	63	Drivers License, persons ineligible
S. B. 66	10	Driver education, elim. to graduate
S. B. 386	66	Rel. to the Susie Parker Stringfellow Mem. Hosp.
S. B. 292	37	Criminal work release program, failure to return
S. B. 420	86	Motor Vehicles, "DWT", pen. inc.
S. B. 280	32	Egg producers, assessment of monies, ref.
S. B. 281	33	Poultry & eggs, promotion of
S. B. 282	33	Poultry & eggs, promotion of c/a
S. B. 109	47	Fee system abolished, tax collector, etc.
S. B. 110	46	Fee system abolished c/a
S. B. 387	79	County Commissioners, salary
S. B. 422	87	Probate judges compensation
S. B. 296	50	Polygraph examiners, regu.
S. B. 200	43	Swine disease, approp.
S. B. 173	35	County bd. of education, voters to elect within county
S. B. 297	39	Handgun ammunition, teflon coating, proh.
S. B. 428	78	Motor Vehicles, oversized loads moved, special permit
S. B. 106	25	Insurance, License fees alt.
S. B. 410	80	ERS, state to pick-up certain member cont.
S. B. 394	59	Public contracts, manner of awarding alt.
S. B. 45	54	ERS, re-open for 60 yrs., or older
S. B. 211	26	Bank investigators, app't. of
S. B. 374	64	AL ed. TV Foundation Auth., estab.
S. B. 244	45	TRS, AL Vocational assoc., may join
S. B. 300	71	Alabama Supreme Court, add'l staff, approp.
S. B. 380	78	Liens, for work performed, expanded
S. B. 218	11	Employees, out-of-state travel, agri. & indus.

Mr. Parsons offered the following substitute for the Resolution,
S. R. 189, to-wit:

SUBSTITUTE FOR S. R. 189

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twentieth legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 387	79	County Commissioners Salary
S. B. 242	63	Schools, military recruiting
S. B. 225	69	State fair, awards, incr.
S. B. 5	45	ERS, re-open
S. B. 370	64	Recreation Bds., co. or mun. mem.
S. B. 249	44	Retirement system, re-open for military
S. B. 80	40	AL St. Bd. of public acc. suppl. approp.
S. B. 303	36	AL Higher Education Commission, am'd.
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S. B. 296	50	Polygraph examiners, regu.
S. B. 200	43	Swine disease, approp.
S. B. 173	35	County bd. of education, voters to elect within county
S. B. 297	39	Handgun ammunition, teflon coating, proh.
S. B. 428	78	Motor Vehicles, oversized loads moved, special permit
S. B. 106	25	Insurance, license fees alt.
S. B. 410	80	ERS, state to pick-up certain member cont.

S. B. 394	59	Public contracts, manner of awarding alt.
S. B. 45	54	ERS, re-open for 60 yrs., or older
S. B. 211	26	Bank investigators, app't. of
S. B. 374	64	AL ed. TV Foundation Auth., estab.
S. B. 244	45	TRS, AL Vocational assoc., may join
S. B. 300	71	Alabama Supreme Court, add'l staff, approp.
S. B. 380	78	Liens, for work performed, expanded
S. B. 218	11	Employees, out-of-state travel, agri. & indus.

On motion of Mr. Robertson, said substitute was laid on the table.

And on motion of Mr. McDonald, said Resolution S. R. 189 was then adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 153

The Senate proceeded to further consideration of the Bill, H. B. 153, as amended.

Mr. Pearson offered the following amendment to the Bill, H. B. 153, as amended, to-wit:

AMENDMENT TO H. B. 153, AS AMENDED

Amend House Bill 153 as amended by deleting pages 20-27 in their entirety and inserting in lieu thereof the following new pages:

"The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$50,395,482.

21. Board of Education:

(a) Financial Assistance Program	266,980,511
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SOURCE OF FUNDS:

(1) ASETF	<u>266,980,511</u>
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Total Board of Education	<u>266,980,511</u>	<u>266,980,511</u>
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To be distributed by the State
Board of Education for:

(a) Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers	18,481,857
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Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school

bus driver, provided that no more than \$309.00 shall be appropriated per person.

(b) Teachers Sick Leave 3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave 1,431,781

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(c) Teachers Personal Leave 925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace Fees 9,405,250

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance 5,630,287

(g) Continuation of funds previously granted for Special Education 25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education.

Of the \$25,048,991 for Special Education, \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for

Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$250,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142. In addition to the above appropriation for the Continuation of funds previously granted for Special Education, there is hereby appropriated \$3,088,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(h) Kindergarten teacher
units 21,173,187

The above appropriation is for 1080
teacher units and includes
salaries, other current expenses,
and capital improvements at the
following rates:

For "Salaries" the sum shall not exceed a total of \$17,695,306. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	31.21	\$ 594,738
I	17,843	349.92	6,243,623
II	15,535	698.87	10,856,945
TOTALS		1,080.00	\$17,695,306

For "Other Current Expenses" an amount not to exceed \$3,155.39 for each earned teacher unit but the total shall not exceed the sum of \$3,407,821.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher
units 34,125,881

The above appropriation provides
for one extra unit or fraction
thereof for each aggregate of fif-
teen units or fraction thereof
earned on regular units in the
Minimum Program, Kindergar-
ten units in (h), and additional
units in (j). The above appropria-
tion is for 1,677 teacher units and
includes salaries, other current
expenses, and capital im-
provements at the following
rates:

For "Salaries" the sum shall not exceed \$28,725,505. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	184.45	\$ 3,514,879
I	17,843	876.89	15,646,348
II	15,535	615.66	9,564,278
TOTALS		1,677.00	\$28,725,505

For "Other Current Expenses" an amount not to exceed \$3,155.39 for each earned teacher unit but the total shall not exceed the sum of \$5,291,589.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,787.

(j) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-6 13,221,564

The above appropriation is for 650
teacher units and includes
salaries, other current expenses,
and capital improvements at the
following rates:

For "Salaries" the sum shall not exceed \$11,128,394. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	71.11	\$ 1,355,072
I	17,843	338.07	6,032,183
II	15,535	240.82	3,741,139
TOTALS		650.00	\$11,128,394

For "Other Current Expenses" an amount not to exceed \$3,155.39 for each earned teacher unit but the total shall not exceed the sum of \$2,051,004.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education 66,772,116

The above appropriation is for
3,250 teacher units and includes
salaries, other current expenses,
capital improvements and trans-
portation at the following rates:

For "Salaries" the sum shall not exceed \$55,506,270. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	249.92	\$ 4,762,476
I	17,843	1,792.70	31,987,146
II	15,535	1,207.38	18,756,648
TOTALS		3,250.00	\$55,506,270

For "Other Current Expenses" an amount not to exceed \$3,155.39 for each earned teacher unit but the total shall not exceed the sum of \$10,255,018.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

- (1) Vocational teacher
units 60,602,339

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

In addition to the above appropriation, there is hereby appropriated \$855,486 for Vocational teacher units to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

- (m) Driver Education . 6,661,660

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,618,296. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$19,056	29.81	\$ 568,059
I	17,843	207.97	3,710,809
II	15,535	86.22	1,339,428
TOTALS		324.00	\$ 5,618,296

For "Other Current Expenses" an amount not to exceed \$3,155.39 for each earned teacher unit but the total shall not exceed the sum of \$1,022,346.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018."

Further amend House Bill 153 as amended on page 16 line 34, by striking the figure "292,329" and insert in lieu thereof the figure "308,569".

Further amend House Bill 153 as amended on page 31 line 26, by striking the figure "324,809" and insert in lieu thereof the figure "308,569";

Further amend House Bill 153 as amended on page 17 lines 28-31 by deleting them in their entirety and by inserting in lieu thereof the following:

"Of the appropriations for fiscal year 1982-83 from the Alabama Special Educational Trust Fund to the Public Library Service, \$400,000 of the absolute appropriation and all of the conditional appropriation shall be used by public libraries for acquisitions only, and it shall not be expended for any operations."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Cook	Hall	Martin	Smith
deGraffenried	Harrison	McDonald	Taylor
Denton	Holmes	Miller	Teague
Figures	Keener	Mitchem	Vacca
Glass	Kirkland	Pearson	Weeks

—27

Nays:

—0

And said Bill, H. B. 153, as thus amended, was again read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Callahan	Hall	Martin	Smith
Cook	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Miller	Teague
Denton	Holmes	Mitchem	Vacca
Figures	Keener	Parsons	Weeks
Glass	Kirkland	Pearson	

—30

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

was again taken up.

Mr. Mitchem offered the following substitute for the Bill, S. B. 14, to-wit:

SUBSTITUTE FOR S. B. 14

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Be It Enacted by the Legislature of the State of Alabama.

Section 1. That there is hereby created a fund which shall be known as the Alabama Recreation Capital Development Assistance Fund. The Fund shall consist of monies appropriated from the General Fund by the Legislature to assist state agencies, municipalities and counties within Alabama to address their recreational needs in such quality and quantity as is necessary and desirable to strengthen the health and vitality of Alabama's human and economic resources by providing funds for and authorizing State assistance to Alabama's governmental entities in planning, acquisition and development of needed land and water recreation areas and facilities.

Section 2. Unless the context thereof clearly indicates to the contrary, the following terms as used in this Act shall have the following meanings:

(a) Commissioner—the Commissioner of the Department of Conservation and Natural Resources.

(b) Administrator—the Director of the Plans and Programs of the Department of Conservation and Natural Resources.

(c) Fund—the Alabama Recreation Development Assistance Fund.

(d) Applicant—any county, or municipality; or state, county or municipal agency having legal authority to hold title to real property, or any combination of the above named entities.

(e) Recreational land—land and appurtenances thereto used for, or susceptible to recreational use.

(f) Recreational use—participation in or observation of outdoor activities by the general public including, but not limited to, hunting, fishing, water sports, aerial sports, hiking, camping, winter sports, animal or vehicular riding and any related activity.

(h) State project—any program of a state agency, board, authority or commission either individually or jointly, for the planning, acquisition of title or interest in real property, and development of facilities; providing thereby for recreational uses or for research or other educational studies deemed necessary to assist in implementing the provisions of this Act.

(i) Local Project—any program of a county, municipality or agency thereof, either individually or jointly, for the planning, acquisition of title or interest in real property, and development of facilities, providing thereby for recreational uses.

(j) In Kind Contributions—In-kind contributions represent the value of contributions provided by (1) the applicant; (2) other public agencies and institutions; and (3) private organizations and individuals which directly benefit and are specifically identifiable to the project.

Section 3. No grant may be made under this Act unless an application is submitted to the Commissioner in accordance with regulations and procedures prescribed by him and the project described in said application is in accordance with the Statewide Outdoor Recreation Plan which has been approved by the Commissioner.

Section 4. All applicants shall agree to assume after completion of the project, the total cost of maintenance, repair and operation of the property.

Section 5. Grants to any applicant shall cover not more than fifty percent (50%) of the cost of planning, acquiring, or developing a project that is undertaken by the applicant. The remaining share of the cost shall be borne by the applicant. No less than fifty percent (50%) of the applicant's share of the cost of a project shall consist of cash contributions or real property donated by private sources. The remaining match may be in the form of in-kind contributions.

Section 6. Financial assistance may be provided to any applicant for the following types of projects or combinations thereof if they are in accordance with the State Comprehensive Outdoor Recreation Plan. Payments for the acquisition of land, waters or interest in land or waters but not including incidental costs relating to acquisition. Payments for development of recreation facilities to serve the general public, including the development of state lands. Lands under lease for recreational development must be for a minimum of twenty-five (25) years. Lands acquired with funds under this Act must be dedicated to recreational use.

Section 7. Payments shall be made to applicants by the Commissioner only for approved projects. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects. All such payments shall be made by the Commissioner to the official or agency having the lawful authority and responsibility of accepting and administering funds paid hereunder. If consistent with an approved project, and when the Commissioner deems it necessary to do so, payments may be made in advance.

Section 8. No payment shall be made to any applicant until the applicant has agreed to provide reports to the Commissioner, in such form and containing information, as may be reasonably necessary to enable the Commissioner to perform his duties under this Act, including such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for funds paid to the applicant under this Act.

Section 9. Each applicant under this Act shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and the disposition by each applicant of the proceeds, the total cost of the project in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Section 10. No property acquired or developed with assistance under this Act shall, without the prior approval of the Commissioner, be converted to other than public uses. The Commissioner may approve such conversion only if he finds it to be in accordance with criteria as may be established by him.

Section 11. The Commissioner or any duly authorized representative shall have access, for the purpose of audit or examination, to any books, documents, papers, and records of the applicant that are pertinent to assistance received under this Act.

Section 12. Each applicant shall submit its grant request under guidelines set forth by the Commissioner.

Section 13. In order to carry out the provisions of this Act the Commissioner through Plans and Programs of the Department of Conservation and Natural Resources shall perform the following functions and activities:

(a) Prepare and maintain a continuing inventory and evaluation of recreational needs and resources of the State of Alabama;

(b) Formulate and maintain a comprehensive statewide recreation plan, taking into consideration the plans of various Federal and State agencies, and political subdivisions. The plan shall set forth the needs and demands of the public for recreation in the current and foreseeable future, recommend desirable actions to be taken at each level of government, as well as identify those actions that can be made by private interests;

(c) Provide technical assistance and advice to, and cooperate with, political subdivisions, and private interests, including nonprofit organizations, with respect to recreation;

(d) Sponsor, engage in, and assist in research relating to recreation by contract or cooperative agreements, and make payments for such purposes;

(e) Undertake studies and assemble information concerning recreation directly or by contract or cooperative agreement, and disseminate such information;

(f) Promote coordination of state plans and activities generally relating to recreation.

(g) Promulgate such reasonable rules and regulations deemed necessary to implement the provisions of this Act.

Section 14. The Commissioner, in administering this Act, is authorized to cooperate with, and may seek and accept the assistance of, any federal, state, county or municipal department or agency, and educational or scientific institutions.

Section 15. The heads of state departments and independent agencies having administrative responsibility over activities or resources, the conduct or use of which is pertinent to fulfillment of the provisions of this Act shall, either individually or as a group, consult with and be consulted by the Commissioner from time to time both with respect to their conduct of those activities which the Commissioner carries on under authority of this Act which are pertinent to their work.

Section 16. All monies received under the provisions of this Act will be appropriated to Alabama Recreation Capital Development Assistance Fund within the Department of Conservation and Natural Resources, Plans and Programs, and may be used by the Commissioner of the Department of Conservation and Natural Resources for all purposes reasonably necessary in the administration of the provisions of this Act, including said Division's pro rata share of general administrative expenses of the Department of Conservation and Natural Resources.

Section 17. Priority in the allocation of fund monies may be given to applicants having experienced either natural or man-made disasters in areas so designated by the Governor.

Section 18. The provisions of this Act are severable. If any part or section of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 19. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor	
Cook	Harrison	Miller	Teague	
deGraffenried	Higginbotham	Mitchem	Vacca	
Glass	Keener	Parsons	White	
Goodwin	Lemaster	Smith		—18

Nays: —0

And said Bill, S. B. 14, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson	
Bailey	Gulledge	Little	Smith	
Callahan	Hall	Martin	Taylor	
Cook	Harrison	Miller	Teague	
deGraffenried	Higginbotham	Mitchem	Vacca	
Denton	Holmes	Parsons	White	
Glass	Keener			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supercedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Also:

S. 417. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 190. MEMORIALIZING CONGRESS TO PAY SOCIAL SECURITY BENEFITS EARNED BY STATE PRISONERS INTO THE STATE GENERAL FUND.

WHEREAS, the Alabama penal system is suffering severe economic strain; and

WHEREAS, compliance with Federal court orders have caused great financial hardships upon the state general fund; and

WHEREAS, social security income being paid to state prisoners who have no dependents should be paid to the state to help contribute to the cost of housing and feeding said prisoners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional Delegation and the entire United States Congress is memorialized to enact legislation requiring that all social security income due a state prison inmate shall be paid into the state general fund while the recipient is in prison.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Alabama Congressional Delegation and the presiding officer of the U.S. Senate and the U.S. House of Representatives so that they may know of our sentiments.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Little requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 374, on page 64 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 374, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (with notice and proof):

H. 308. Relating to the city of Chickasaw; providing, after notice is given, for the removal or demolition of buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body upon request; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 308, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Kelley (with notice and proof):

H. 623. To provide for the establishment of a merit system for Marshall County, Alabama, and a Personnel Board governing the appointment, hiring, salaries, benefits, removal and official conduct of employees of the County; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 623, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harper (T) (with notice and proof):

H. 631. Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 631, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McMillan and Harper (T) (with notice and proof):

H. 641. To establish minimum age requirements for admission into Mobile County Public Kindergartens.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 641, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Willis:

H. 652. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Calhoun County.

Also:

By Rep. Coburn:

H. 331. To permit any person or entity to sell diesel fuel for the use in the operation of any motor vehicle upon the highways of this state and diesel fuel for off-highway purposes from the same tank and the same pump if certain requirements are met.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 308, 623, 631, 641, and 652. To the Committee on Local Legislation No. 1.

H. B. 331. To the Committee on Commerce, Transportation, and Utilities.

(The above numbered Bill, H. B. 652, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Stout (with notice and proof):

H. 620. Relating to DeKalb County; providing for a referendum relative to the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority as provided for in Chapter 28 of Title 40, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley, Clark (G), Pegues and Minus (with notice and proof):

H. 622. Relating to the 17th Judicial Circuit; to provide for an expense allowance for the district attorney.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 622, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 629. Relating to Crenshaw County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Rutledge, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 629, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser, Ray and Whatley (with notice and proof):

H. 636. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County; and to specifically repeal Act No. 81-731, H. 1048, 1981 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 636, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Daniels, Grimsley and Williams (with notice and proof):

H. 643. Relating to the City of Dothan in Houston County; to amend further Sections 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), which Act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the Pension Board's meetings by requiring the city manager to attend, and to provide further for the authorized investments of the Pension Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 643, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 644. Relating to Clarke County; to amend Act 513, Regular Session 1951, (Acts of Alabama, p. 903), pertaining to the Board of Education, so as to provide that the members of said board shall be elected from certain districts.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 644, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Grimsley, Williams and Daniels:

H. 531. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 620, 622, 629, 636, 643, 644, and 531. To the Committee on Local Legislation No. 1.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 242. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

And said Bill, S. B. 242, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
deGraffenried	Harrison	Martin	Taylor
Denton	Higginbotham	Miller	Teague
Glass	Holmes	Mitchem	Vacca
Goodwin	Keener	Parsons	—18

Nays: —0

MOTION IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 192, on page 13 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 192, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor	
Callahan	Hall	Martin	Robertson	
deGraffenried	Harrison	McDonald	St. John	
Denton	Higginbotham	Miller	Taylor	
Glass	Holmes	Mitchem	Vacca	
Goodwin	Keener	Parsons		—22

Nays: —0

The Bill:

S. 5. To reopen the employees' retirement system to allow certain members to purchase credit for prior service rendered to an employer participating in the employees' retirement system under section 36-27-6, Code of Alabama 1975, prior to the date the employer's participation in the retirement system commenced.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 5, to-wit:

COMMITTEE AMENDMENT TO S. B. 5

Amend Senate Bill 5, Page 1, Line 31, by inserting after the word "clerk" the words "and Circuit Judge".

Further amend said bill on Page 1, Line 34, after the word "and" by adding "or".

Which was adopted.

Yeas 16; Nays 1.

Yeas:

Messrs.:	Hall	Keener	Proctor	
deGraffenried	Harrison	Miller	Robertson	
Denton	Higginbotham	Mitchem	St. John	
Goodwin	Holmes	Parsons	Taylor	
Gulledge				—16

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Nay: Mr. Little. —1

And said Bill, S. B. 5, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Gulledge	Keener	Robertson
Callahan	Hall	Miller	St. John
deGraffenried	Harrison	Parsons	Taylor
Denton	Higginbotham	Proctor	Teague
Glass	Holmes		

—17

Nay: Mr. Little. —1

The Bill:

S. 370. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

was taken up.

Mr. Bailey moved that the Rules be suspended to allow him to substitute the Bill, S. B. 372, in the place of S. B. 370, which motion was lost.

Mr. Bailey then moved that further consideration of the Bill, S. B. 370, be temporarily postponed, which motion was adopted.

Mr. Bailey further moved that further consideration of the Bill, S. B. 370, be postponed as Unfinished Business, which motion was lost.

The Bill:

S. 249. To re-open the State of Alabama Retirement Systems for certain membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Martin	St. John
Callahan	Harrison	Miller	Taylor
deGraffenried	Higginbotham	Mitchem	Teague
Denton	Holmes	Parsons	Vacca
Glass	Keener	Proctor	

—22

Nays: —0

The Bill:

S. 80. To make a supplemental appropriation to the Alabama State Board of Public Accountancy from the State Board of Public Accountancy Fund for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Robertson	
Callahan	Higginbotham	Miller	St. John	
deGraffenried	Holmes	Mitchem	Smith	
Denton	Little	Parsons	Taylor	
Goodwin	Martin	Proctor	White	
Hall				—20

Nays: —0

The Bill:

S. 303. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; defining certain terms; establishing qualifications for Commission members; establishing requirements for a quorum of the Commission at meetings; providing for appointment of an executive officer, and granting authority to the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; further providing for the Commission's powers and duties; and to provide for notice of an election on the proposed amendment.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 303, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 303

Amend S. B. 303, page 3, line 1 by deleting the word "fees".

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 29, on page 6 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 29, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Stout and Grouby:

H. J. R. 217. COMMENDING THE HONORABLE JOHN G. BOOKOUT, FORMER ALABAMA APPELLATE COURT JUDGE.

Also:

By Rep. Harvey:

H. J. R. 218. EXTENDING BEST WISHES TO MR. AND MRS. OTIS KENT ON THE OCCASION OF THEIR 62ND WEDDING ANNIVERSARY.

Also:

By Rep. Bedsole:

H. J. R. 219. HONORING MISS JULIA A. PERDUE UPON HER RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 217, 218, and 219, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R. G.):

H. J. R. 214. COMMENDING DENNIS GARRETT, WINTERBORO HIGH SCHOOL, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Smith (J), Albright, Gregg, Hall, Smith (M) and Riddick:

H. J. R. 215. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNSTVILLE ICE HOCKEY TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 214 and 215, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mitchell, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 220. COMMENDING THE UNIVERSITY OF ALABAMA SWIM TEAM, SEC CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 220, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (O), Turnham, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 229. MOURNING THE DEATH OF MR. CHARLES CRAYTON ADAMS, III, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

By Rep. Venable:

H. J. R. 231. MOURNING THE DEATH OF WILLIAM ALAN BEDSOLE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 229 and 231, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 221. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

By Reps. Moore and Rains:

Also:

H. J. R. 223. COMMENDING AIRMAN APPRENTICE JEFFERY W. BETHUNE FOR EXTRAORDINARY BRAVERY SHOWN ABOARD THE U.S.S. NIMITZ.

Also:

By Reps. Dixon, Holmes, Wyatt, Langford and Grouby:

H. J. R. 225. COMMENDING THE MONTGOMERY POLICE DEPARTMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 221, 223, and 225, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 165. RESETTING THE ELECTION DATE FOR ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT NO. 81-1190, H. J. R. 75, THIRD SPECIAL SESSION 1981.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded and the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution, relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 165, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 166. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT 81-1190, H. J. R. 75, THIRD SPECIAL SESSION 1981.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

BE IT RESOLVED FURTHER, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution, relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 166, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-11 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-31-1, 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

And the Speaker of the House has appointed as Committee on part of the House: Smith (J), Dial, and Whatley.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: change the time within which charges must be heard; and to change the place of the hearing.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Whatley, Hammett, and Manley.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Lewis, Cosby and Hammett.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McCorquodale:

H. 574. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Clarke County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Minus (with notice and proof):

H. 608. Relating to Choctaw County; to provide an expense allowance for the members of the county board of education which shall be in lieu of all other expense allowances provided for by law.

By Reps. Cates and Wyatt (with notice and proof):

H. 613. To amend Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, so as to provide that the methods of service of summons and complaints and subpoenas authorized therein for Crenshaw County are in addition to any other mode of service provided by law or rule.

By Rep. Higginbotham (with notice and proof):

H. 594. Relating to Lauderdale County; to amend Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, p. 129), which act creates the office of license commissioner, so as to provide further for the fee charged for the issuance of motor vehicle tags by mail.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 188. COMMENDING THE HALEYVILLE HIGH SCHOOL GIRLS BASKETBALL TEAM, STATE 3A CHAMPIONS.

Also:

H. J. R. 202. COMMENDING COACH NELSON HUGHES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 203. COMMENDING WRESTLER TIM MINOR OF HEWITT-TRUSSVILLE HIGH SCHOOL.

Also:

H. J. R. 204. COMMENDING THE WILCOX COUNTY ACADEMY LADY WILDCATS, APSA GIRLS BASKETBALL CHAMPIONS.

Also:

H. J. R. 205. COMMENDING MISS NEILE CHESTNUT OF WILCOX COUNTY ACADEMY FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 23rd day of March, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation the following:

Mr. Frederick J. Rux
Suite 510 Two Office Park
Mobile, Alabama 36609
Term expires January 3, 1985

as a member of the Alabama Board of Examiners of Landscape Architects.

Respectfully,

FOB JAMES,
Governor.

Done this 23rd day of March, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a appointment to the Alabama Board of Examiners of Landscape Architects was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Cook, pending further consideration of the Bill, S. B. 303, the Senate adjourned until Thursday, March 25, 1982, at 10:30 A.M.

TWENTY-FIRST LEGISLATIVE DAY

THURSDAY, MARCH 25, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Garner V. Clark, Pastor, McGhee Road Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Proctor	White
Glass	Kirkland		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 49. Relating to Winston County; providing further for additional costs and charges in any court in any criminal proceeding, whether in municipal, district or circuit court; prescribing that the net revenues thereby collected be deposited in the Sheriff's Fund for law enforcement purposes in the county; providing for a referendum by the qualified voters of Winston County at an election called for the purpose of approving or disapproving such additional costs or charges; and providing that the provisions of this act shall become null and void unless a constitutional amendment relating to Winston County and court costs and charges is ratified.

Also:

H. 487. Relating to St. Clair County, repealing Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), which required county and municipal governing bodies in St. Clair County to publish certain financial data.

Also:

H. 568. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

Also:

H. 578. Relating to Elmore County; providing further for the compensation of the Sheriff beginning at the next term of office.

Also:

H. 579. Relating to Elmore County; providing further for the compensation of the Probate Judge beginning at the next term of office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 90. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supercedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Also:

S. 130. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 so as to define "foreign trained physical therapist" and license such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; to change the name of "physical therapy assistant" to "physical therapist assistant"; to remove the board from being a "collection agency" and grant the board the authority to approve examinations.

Also:

S. 417. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

Also:

S. J. R. 83. MOURNING THE DEATH OF DR. M. VAUN ADAMS, PROMINENT MOBILE PHYSICIAN AND CIVIC LEADER.

Also:

S. J. R. 156. COMMENDING MRS. RUBY CALDWELL PICKENS OF ENSLEY, ALABAMA, UPON HER SELECTION AS ONE OF THE OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

Also:

S. J. R. 162. COMMENDING CHARLES H. GRAY AND BESSIE THURMAN GRAY.

Also:

S. J. R. 163. TO URGE MEMBERS OF THE CONGRESSIONAL BUDGET COMMITTEES TO REJECT ANY REORGANIZATION OF THE RAILROAD RETIREMENT SYSTEM PROVIDED FOR IN THE 1983 FEDERAL BUDGET.

Also:

S. J. R. 165. HONORING MRS. CARRIE C. MELTON OF DECATUR, ALABAMA'S MOTHER OF THE YEAR.

Also:

S. J. R. 169. HONORING GENERAL JOHN W. VESSEY, JR., CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOMINEE.

Also:

S. J. R. 171. COMMENDING MR. TED AVRETT, PROMINENT ENTERPRISE BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 175. EXPRESSING APPRECIATION TO THE HUEY-TOWN HIGH SCHOOL SWINGERS SHOW CHOIR FOR THEIR PERFORMANCE FOR THE LEGISLATURE.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 191. COMMENDING THE HEALTH OCCUPATION EDUCATION CLASS OF THE TROY-PIKE AREA VOCATIONAL CENTER.

WHEREAS, the Alabama Legislature is pleased to note the nomination of the Health Occupation Education Class at Troy-Pike Area Vocational Center as the most outstanding vocational program in Alabama; and

WHEREAS, under the tutelage of Mrs. Sherry Key, who has been with the Center for some five years, the class is composed of approximately 30 students from three area city and county high schools; a night class also is held for adult students who may attend the daytime course on a space available basis; and

WHEREAS, the class was selected as Pike County's nominee for the award on the basis of the non-traditional learning atmosphere for students, and for the program's positive impact and effect on the entire community; and

WHEREAS, Mrs. Key's students, in addition to traditional classroom learning experiences, also grow in learning through direct community involvement in situations provided by business and community leaders; and

WHEREAS, these Pike County students go into the community, to hospitals, health care centers, and even other area schools, to teach what they have learned and to experience further growth through involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Sherry Key and the Health Occupation Education Class at the Troy-Pike Area Vocational Center; we congratulate the class on its nomination as the most outstanding such program in our state and direct that a copy of this resolution be provided for appropriate display at the Center.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that Senate Rule 29 be amended as follows:

Amend Rule 29 by adding after the word "question" in the first sentence in said Rule 29 the words, "other than a motion to table".

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

Mr. Cook requested and received unanimous consent to bring up the Bill:

H. 330. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

And said Bill, H. B. 330, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Miller	Teague	
Cook	Keener	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
Figures	Lemaster	Proctor	White	
Glass	Little			—25

Nays:

—0

The Bill:

H. 574. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Clarke County.

was read a third time at length, as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Little	St. John	White	
Figures	Martin			—25

REGULAR SESSION
21st Day

917

Nays:

—0

The Bill:

H. 608. Relating to Choctaw County; to provide an expense allowance for the members of the county board of education which shall be in lieu of all other expense allowances provided for by law.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Callahan	Holmes	Proctor	Vacca
Cook	Kirkland	Robertson	Weeks
Denton	Little	St. John	White
Figures	Martin		

—25

Nays:

—0

The Bill:

H. 613. To amend Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, so as to provide that the methods of service of summons and complaints and subpoenas authorized therein for Crenshaw County are in addition to any other mode of service provided by law or rule.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Harrison	Martin	St. John
Britnell	Hilliard	McDonald	Taylor
Cook	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Figures	Kirkland	Parsons	White
Glass	Lemaster		

—25

Nays:

—0

The Bill:

H. 594. Relating to Lauderdale County; to amend Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, P. 129), which act creates the office of license commissioner, so as to provide further for the fee charged for the issuance of motor vehicle tags by mail.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Glass	Holmes
Bailey	Cook	Hall	Keener
Britnell	Denton	Hilliard	Kirkland

Lemaster
Little
Martin
Miller

Mitchem
Parsons
Proctor
St. John

Smith
Taylor
Teague

Vacca
Weeks
White

—25

Nays:

—0

RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 192. COMMENDING MRS. MARY KIMBRO BUTLER OF ECLECTIC, ALABAMA ON RECENTLY HAVING HER NOVEL "PAPA'S OLD TRUNK" RELEASED BY HER PUBLISHER.

WHEREAS, Mrs. Mary Kimbro Butler of Eclectic, Alabama recently has her novel "Papa's Old Trunk" released by her publisher; and

WHEREAS, "Papa's Old Trunk" captures the experiences of a family growing up during the depression and depicts how all country life contributes to the molding of an individual's character; and

WHEREAS, this book has a comical overture, yet at the same time is filled with philosophy and insight, and

WHEREAS, Mrs. Butler has won several awards for her short stories; and

WHEREAS, she was named best letter writer for 1980 by the editor of the editorial page of the Montgomery Advertiser-Journal; and

WHEREAS, her dedication to writing is paralleled only by her duty to her family, church and community; and

WHEREAS, Mrs. Mary Kimbro Butler is a native Crenshaw Countian; and

WHEREAS, Mrs. Butler has been married to Leon B. Butler for forty-one years and is the mother of three children and four grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Mrs. Mary Kimbro Butler on her latest achievement.

BE IT FURTHER RESOLVED that in addition to Mrs. Butler, copies of this resolution be sent to her children, Mr. Leon Butler of Eclectic and to Mrs. Gail DiGiovanni of Maryland and to Mrs. Vicki Ingalls of Wetumpka.

On motion of Mr. Harrison, The Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 229. MOURNING THE DEATH OF MR. CHARLES CRAYTON ADAMS, III, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 231. MOURNING THE DEATH OF WILLIAM ALAN BEDSOLE.

Also:

H. J. R. 223. COMMENDING AIRMAN APPRENTICE JEFFERY W. BETHUNE FOR EXTRAORDINARY BRAVERY SHOWN ABOARD THE U.S.S. NIMITZ.

Also:

H. J. R. 221. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

Also:

H. J. R. 220. COMMENDING THE UNIVERSITY OF ALABAMA SWIM TEAM, SEC CHAMPIONS.

Also:

H. J. R. 215. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ICE HOCKEY TEAM.

Also:

H. J. R. 187. COMMENDING MR. HAL C. BUCKELEW, ONEONTA CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

Also:

H. J. R. 186. COMMENDING THE PISGAH LADY EAGLES, STATE 2A GIRLS BASKETBALL CHAMPIONS.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 81-307, H. J. R. 254, the report of the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee was read and filed with the Secretary.

BILLS ON THIRD READING RESUMED

The Bill:

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Smith
Bailey	Figures	Keener	Taylor
Callahan	Goodwin	Little	Teague
Cook	Hall	McDonald	Weeks
deGraffenried	Harrison	Parsons	White

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Nays:

—0

RESOLUTIONS

Mr. Figures offered the following Senate Resolution, to-wit:

S. R. 193. COMMENDING ELDER FRANKLIN McNEIL ON HIS 10TH ANNIVERSARY AS PASTOR OF THE RICE TEMPLE A.O.H. CHURCH OF GOD.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 194. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-first legislative day of the 1982 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 343	74	Community Services Dept., estab. for Economic Disadvantaged
S. B. 297	37	Handgun ammunition, teflon coating, proh.
S. B. 45	50	ERS, re-open for 60 yrs. or older
S. B. 386	61	Susie P. Stringfellow Mem. Hospital, exempt
S. B. 292	35	Criminal work release program, failure to return
S. B. 26	9	State textbook committee, est.
S. B. 195	58	Schools, support personnel, fair dis.
S. B. 344	59	Drivers License, persons ineligible
S. B. 66	10	Driver education, eliminated to graduate
S. B. 317	72	Elections, voter reg. file maint. sys.
S. B. 420	79	Motor Vehicles, 'DWT'. penalties inc.
S. B. 428	71	Motor Vehicles, oversized loads moved, special permit
S. B. 280	31	Egg producers, assessment of monies, ref.
S. B. 281	32	Poultry & eggs, promotion of
S. B. 282	32	Poultry & eggs, promotion of c/a

S. B. 422	80	Probate judges compensation
S. B. 109	43	Fee system abolished, tax collector, etc.
S. B. 110	42	Fee system abolished c/a
S. B. 387	72	County Commissioners, salary
S. B. 244	41	TRS, Alabama Vocational Assoc., may join
S. B. 296	46	Polygraph examiners, regu.
S. B. 200	40	Swine disease, approp.
S. B. 218	10	Employees, out-of-state travel, agri. & indus.
S. B. 173	34	County bd. of education, voters to elect within county
S. B. 415	76	Alabama Hospital Care Serv. Price Dis.
S. B. 106	24	Insurance, lic. fees. alt.
S. B. 410	73	ERS, state to pick-up cert. mem. cont.
S. B. 394	55	Public contracts, manner of awarding alt.
S. B. 211	25	Bank investigators, appt. of.
S. B. 300	65	Alabama Supreme Court, add'l staff, approp.
S. B. 380	71	Liens, for work performed, expanded

On motion of Mr. McDonald, said Resolutions was then adopted by the Senate.

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 195. CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, in utmost pride and pleasure the Legislature notes that Alabama's own Tuskegee Institute Tigerettes placed second nationally in the NCAA-II Women's Basketball Finals on March 20th in Springfield, Massachusetts; and

WHEREAS, the Tigerettes, which for a number of weeks held the number one slot in the nation among Division II teams, polished off Springfield College in the second-round NCAA-Division II playoffs to win a berth in the finals; and

WHEREAS, the Alabama powerhouse team then took on second-ranked Oakland University defeating them by a score of 88-82 after shooting 24 of 28 free throws for an impressive 85.7 percentage; and

WHEREAS, noting that it took number one California Poly-Pomona to down the Tigerettes, the team is to be heartily congratulated for its spectacular season and national ranking achieved under Head Coach Tiny Laster who is the winningest coach in Division-II women's basketball with 206 career victories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Tiny Laster and his Tuskegee Tigerettes for the fame and honor they have brought to their school and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Laster on behalf of his staff and team with a copy also provided for appropriate display at Tuskegee Institute.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 196. COMMENDING THE RUSSELLVILLE HIGH SCHOOL BASKETBALL TEAM.

Which was adopted.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 197. MOURNING THE DEATH OF MR. CHARLES CRAYTON ADAMS, III, PROMINENT TALLAPOOSA COUNTY CIVIC LEADER.

Which was adopted.

Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 198. WISHING MR. JAMES V. "JAKE" JORDAN A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature was distressed to learn of the illness of Mr. James V. "Jake" Jordan and of the necessity for his recent confinement at Jackson's Hospital in Montgomery; and

WHEREAS, we are happy to note, however, that he now is recuperating at home and that the prognosis is excellent for his complete recovery; and

WHEREAS, Mr. Jake Jordan retired in 1975 as State Budget Officer, a position he held for 30 of the 37 years he was employed with the State of Alabama; he was an exemplary public servant and a valued associate of the Legislature whose advice and counsel we valued highly; and

WHEREAS, through years of such close association, many members of this body were fortunate to form bonds of friendship with Mr. Jordan and his well-being is of utmost concern to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish our good friend, Mr. James V. "Jake" Jordan, the speediest possible recovery and direct that he receive a copy of this resolution, in declaration of our concern and affection, extended in friendship and with warmest personal regard.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Keener and Teague:

S. 463. To amend Section 25-5-11 of the Code of Alabama 1975, relating to Workmen's Compensation and actions against third parties liable with employers for injury or death, so as to redefine such third parties to include certain co-employees, certain insurance carriers and certain labor unions.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Proctor and Kirkland:

S. 214. To amend Section 20-2-80, Code of Alabama 1975, relating to trafficking in illegal drugs, so as to define cannabis and to provide further for the exclusion of the Controlled Substances Therapeutic Research Act from the provisions of such section.

By Mr. Parsons:

S. 451. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the others referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 421. To regulate the vending of selling of certain items within buildings or on property of the state, its agencies, institutions and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

By Mr. Keener:

S. 442. To amend Section 37-3-2, Code of Alabama 1975, which relates to the definitions pertaining to the regulation of motor vehicle carriers, so as to include within said section a definition of "fixed termini."

By Mr. Vacca:

S. 457. To create mine rescue stations within the State of Alabama as a part of the Division of Safety and Inspection of the Department of Industrial

Relations; to provide for the location, training, compensation, benefits, qualifications and employment status of said station members; and to provide requirements of recovery work.

By Mr. Miller:

S. 469. To add a Subsection 4 to Section 11-54-80 of the Code of Alabama of 1975, as amended, to include hydroelectric utility facilities in the definition of projects qualifying to be financed through Industrial Development Boards.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith, Cook, Parsons, McDonald, Martin and St. John:

S. 492. To amend Section 36-26-2, Code of Alabama of 1975, as last amended to provide special consideration to disabled veterans, wartime veterans and unremarried spouses of certain disabled, deceased, missing in action, prisoner of war, military service personnel and veterans in employment in, layoff from and promotions to State Government Merit System Jobs.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Substitute):

S. 433. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees of alcoholic beverages will file sworn affidavits containing a description of designated sales territories within the state and a wholesaler franchise agreement naming an exclusive wholesaler for each such designated sale territory; to provide that a franchise agreement may not establish or maintain resale price; to provide a period of time for the manufacturer or importer to file the designated sales territory and exclusive wholesaler franchise agreements; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 468. Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow the legislature to enact local legislation on any subject.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Keener:

S. 462. Relative to Class 4, 5, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722 to provide for the sale or lease of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

By Mr. Little:

S. 479. To amend Section 11-89A-13, Code of Alabama 1975, so as to require certain solid waste authorities to have a resource recovery facility in operation before it may begin processing solid wastes.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (With Amendment):

S. 487. Relating to any Class 1 or Class 2 municipality, as defined by Section 11-40-12 of the Code of Alabama 1975, as amended; authorizing any such municipality to create a municipal dormitory building and renovation authority; authorizing the Authority to acquire, construct and equip self-liquidating projects consisting of buildings for dormitories and renovation of existing buildings for dormitories for any public institution of higher education; conferring powers and imposing duties on the Authority; providing for the appointment of members of the Authority; authorizing the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; authorizing the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; providing that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; making such revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and fixing the venue for jurisdiction of actions relating to any provisions of this Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 416. To provide further for the annual salary of the governor, the secretary of state, and the state auditor; and to provide for such sums to commence with the next term of office.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 471. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as

the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

By Mr. Teague:

S. 299. To amend Act No. 81-965, the FY 82 Education Appropriation Act, to move \$735,521 from capital outlay to general operating and maintenance purposes.

By Mr. Pearson:

S. 485. To make an additional appropriation for salaries and other expenses for the use of the Legislature.

By Messrs. Mitchem, Holmes, Callahan, Teague, Goodwin, Martin, Little and Smith:

S. 477. To make an supplemental appropriation in the amount of six million five hundred thousand dollars (\$6,500,000) from the trust fund created by Act No. 81-1178, H. 72, 1981 Third Special Session, for the purpose of paying costs in connection with bonds to be issued by the Alabama Housing Finance Authority prior to January 1, 1983.

By Messrs. Holmes and Robertson:

S. 447. To provide further for the assessment and collection of ad valorem taxes on certain real property which has been improved with a new residential structure constructed for re-sale.

By Messrs. deGraffenried, Mitchem, Martin and Gullledge:

S. 196. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Substitute):

S. 439. To create three additional circuit judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

By Mr. Martin (With Substitute):

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 398. To make an appropriation from the state general fund for the purpose of entering into a professional services contract to analyze the cash and other assets management function of the state and make recommendations for improvements therein.

By Mr. Hilliard:

S. 247. To confer upon governing bodies of counties in which public transit service is provided the power to levy and collect a county sales tax, or a county license tax, or to levy and collect both of said taxes, subject to the condition that any tax levied under the act shall be used solely for the purpose of providing public transit service within the county and to the other limitations and conditions enumerated in the act, to limit the rates of such taxes, and to provide an exemption from any tax levied hereunder within areas not receiving transit service and within any municipality which levies, collects, and pays over to any public transit operating body organized under the laws of Alabama the proceeds of a tax, or taxes, similar to that levied by the county which is identical as to rate and incidence of taxation.

By Mr. Britnell:

S. 274. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the State Employees' Health Insurance Plan so as to extend eligibility for coverage to persons who are employed on a part-time basis by the State of Alabama and to provide for the payment of a pro rata portion of the premium costs by such employees.

By Mr. Goodwin:

S. 326. To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

By Mr. Little:

S. 441. To authorize voluntary income tax check-off for support of the arts; to establish the Arts Development Fund from the net proceeds generated from such contributions; to provide for the distribution of such funds to certain tax exempt organizations or associations which encourage the development of high quality and significant art and cultural activities or facilities; to prescribe certain responsibilities for the Commissioner of Revenue in collecting such funds and forwarding the proceeds to the State Treasurer for deposit in the general fund of the state treasury in a fund designated "Arts Development Fund"; to provide for continuous appropriations from such fund to the Council on the Arts and Humanities for the purposes of this act and Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975, relating to the powers, duties and responsibilities of the said council; to prescribe the substantial content for tax returns to provide for such contributions; to provide that such funds shall be supplemental and shall not be construed to be in lieu of annual appropriations; and to provide for an effective date.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Substitute):

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 491. To provide a cost-of-living salary increase for the chief justice and associate justices of the supreme court, judges of the criminal court of appeals and civil court of appeals, circuit court judges and district court judges for the fiscal year beginning October 1, 1982; to specifically reject the Report of the State Judicial Compensation Commission; and to prescribe that any person covered under the provisions of this Act shall be ineligible for any other cost-of-living increase or appropriation for the fiscal year beginning October 1, 1982.

By Mr. Teague:

S. 455. To make a conditional appropriation to the Board of Corrections for the fiscal year ending September 30, 1982.

By Messrs. Smith and McDonald:

S. 483. To amend Act No. 81-663, Regular Session 1981, to further define prescription drugs and to specifically exempt colostomy bags and attachments from state gross sales taxes.

By Messrs. Harrison, Barron and Taylor:

S. 295. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

By Mr. Bailey:

S. 404. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county and municipal sales and use taxes.

By Reps. Turnham and Sasser:

H. 28. To amend Section 19-1-9, Code of Alabama 1975, relating to compensation of legislative interim committees, so as to remove the one-time mileage restriction.

By Reps. Turnham and McCorquodale:

H. 41. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p.), which Act creates the Alabama Toll Road, Bridge and Tunnell Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

By Mr. Gullede:

S. 475. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of circuit judges in each judicial circuit, so as to provide that there shall be three circuit judges in the twenty-eighth judicial circuit and to require that the third judge shall be elected at the general election of 1982.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Moore, Smith (C) and Waggoner (with notice and proof):

H. 581. Relating to Shelby County; providing for additional compensation for the tax assessor and tax collector.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Shoemaker, Dial, Johnson (R. G.) and Moore (with notice and proof) (With Amendment):

H. 611. Relating only to Talladega County, further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Manley, Clark (G), Pegues and Minus (with notice and proof):

H. 622. Relating to the 17th Judicial Circuit; to provide for an expense allowance for the district attorney.

By Rep. Kelley (with notice and proof):

H. 623. To provide for the establishment of a merit system for Marshall County, Alabama, and a Personnel Board governing the appointment, hiring, salaries, benefits, removal and official conduct of employees of the County; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Reps. Cates and Wyatt (with notice and proof):

H. 629. Relating to Crenshaw County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Rutledge, Alabama.

By Reps. Carothers, Daniels, Grimsley and Williams (with notice and proof):

H. 643. Relating to the City of Dothan in Houston County; to amend further Sections 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), which Act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the Pension Board's meetings by requiring the city manager to attend, and to provide further for the authorized investments of the Pension Board.

By Rep. McCorquodale (with notice and proof):

H. 644. Relating to Clarke County; to amend Act 513, Regular Session 1951, (Acts of Alabama, p. 903), pertaining to the Board of Education, so as to provide that the members of said board shall be elected from certain districts.

By Rep. Willis:

H. 652. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Calhoun County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Holmes (with notice and proof):

S. 482. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

By Mr. Kirkland (with notice and proof):

S. 484. Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

By Messrs. Higginbotham and Little (with notice and proof):

S. 486. Relating to Chambers County; authorizing the county commission to supplement the salary of the district judge.

By Mr. Proctor (with notice and proof):

S. 493. Relating to Talladega County; providing recording fees charged by the probate judge.

By Mr. Weeks (with notice and proof):

S. 496. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof) (With Substitute):

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission to be used for the promotion of Marshall County as a tourist destination; providing that the Director of Revenue shall collect such tax.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

S. 382. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

BILLS ON THIRD READING RESUMED

The Bill:

S. 382. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 1.

Yeas:

Messrs.:	Denton	McDonald	St. John	
Bailey	Hall	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Weeks	
Cook	Holmes	Robertson		—14

<i>Nay:</i> Mr. Little.	—1
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 303. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; defining certain terms; establishing qualifications for Commission members; establishing requirements for a quorum of the Commission at meetings; providing for appointment of an executive officer, and granting authority to the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; further providing for the Commission's powers and duties; and to provide for notice of an election on the proposed amendment.

and pending Education Committee amendment No. 1, which said amendment is set out in the Journal of the Senate for the Twentieth Legislative Day.

On motion of Mr. Higginbotham, said amendment was laid on the table.

The Standing Committee on Education then reported the following amendment to the Bill, S. B. 303, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 303

Amend S. B. 303, page 9, line 34 by adding after the word "No" the word "State".

On motion of Mr. Higginbotham, said amendment was laid on the table.

Mr. Higginbotham then offered the following substitute for the Bill, S. B. 303, to-wit:

SUBSTITUTE FOR S. B. 303

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; defining certain terms; establishing qualifications for Commission members; establishing requirements for a quorum of the Commission at meetings; providing for appointment of an executive officer, and granting authority to the Commission to terminate existing units or programs of

instruction for academic credit subject to being overruled by act of the legislature; further providing for the Commission's powers and duties; and to provide for notice of an election on the proposed amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed to become valid as a part of the Constitution when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

(a) There is hereby created and established an Alabama Higher Education Commission which shall supersede the Alabama Commission on Higher Education (ACHE) which now exists and operates under the provisions of Sections 16-5-1 through 16-5-14, of the Code of Alabama 1975, as amended.

(b) The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(1) PUBLIC INSTITUTIONS OF HIGHER EDUCATION. Those public educational institutions in Alabama which have been authorized by the legislature or by the Constitution to provide formal education, including vocational, technical, collegiate, professional or any other form of education, above the secondary school level.

(2) COMMISSION. The Alabama Higher Education Commission created by this amendment.

(3) INSTRUCTIONAL PROGRAM. A series of courses at any one location which culminates in a degree, certificate or other formal recognition of academic credit.

(4) UNIT. A school college, division or institution and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission; the Commission may under its rule-making authority, define the character of such reasonable extension and alterations.

(5) STATE FUNDS. For the purpose of this amendment, the term State Funds includes those funds appropriated from the Alabama Special Education Trust Fund to support an instructional, public service or research program.

(c) (1) The Commission shall consist of 15 members. Thirteen of these members shall be appointed by the governor, one shall be appointed by the Lieutenant governor and one shall be appointed by the speaker of the House of Representatives by and with the advice and consent of the Senate. Two persons shall be appointed from each United States congressional district in Alabama and shall reside or maintain an office or place of business within the congressional district from which he is appointed, and the remaining members shall be appointed from the state at large.

(2) The 15 members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of cooperation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly

connected with any institution of higher education in the state, the state department of education or any county or other local board of education. Such formal or direct connection does not preclude a member from being an individually active alumnus or alumna of a public institution of higher education. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the state. No member shall act as the representative of any particular region or of any particular institution of higher education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the state of Alabama. No individual with vester personal, business or professional interests in conflict with the Commission's interests shall be appointed. Candidates for appointment to the Commission shall be reviewed on the basis of a strong commitment to the goals of the Commission in promoting and influencing a high quality of activities in higher education. The candidates for appointment and the members of the Commission shall be without direct or indirect business or economic interest in the actions of the Commission.

(3) The Commission shall serve in an advisory capacity to the legislature and the governor of this state in respect to all matters pertaining to the operation and maintenance, including the allocation of funds for capital improvements, of state supported institutions of higher education.

(d) The initial membership of the Commission and the terms of each initial member shall be as follows:

(1) Members of the Commission shall be selected for nine-year terms expiring on August 31 of the respective year. The current nine members of the Alabama Commission on Higher Education are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation as members of the Commission created hereby, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member the governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term. Of the three new appointees one shall be appointed by the governor for a term of three years, one shall be appointed by the lieutenant governor for a term of six years and one by the Speaker of the House of Representatives for a term of nine years.

(2) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the event that the number of congressional districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of congressional districts shall change, the membership will remain 15 with the number of at-large memberships being adjusted, if necessary, so that each congressional district is represented. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(3) Vacancies and new appointments on the Commission shall be filled by appointment of the ex officio officer responsible for the initial appointment. If the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(4) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

(e) (1) The first meeting of the Commission shall be called by the governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

(2) The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the chairman, or upon a call signed by at least eight members, or upon call of the governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the state. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting. Any public institution of postsecondary education or the state board of education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

(3) Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

(4) The Commission is authorized to appoint a highly qualified person as its executive officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commissions' operation.

(5) The executive officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants upon a full or part-time basis as are necessary to assist the Commission and the executive officer in performing the duties assigned by this amendment. The number of employees, their compensation and the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the Commission.

(6) All full-time employees of the Commission shall be eligible to participate in the state teachers' retirement system.

(f) The Commission, in consultation with the agencies and institutions concerned with higher education in this state, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and consultants, as deemed desirable, may be used to meet these needs in order to provide the highest possible quality of collegiate and university education to all persons in the state able and willing to participate. One such advisory committee shall be the council of presidents, consisting of the president of each public four-year institution of higher education, the state superintendent of education or other officer responsible for the governance of the public two-year institutions and the presidents of three public two-year institutions of higher education, to be selected by the superintendent of education.

(g) The Commission shall be responsible for statewide long range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

(h) (1) The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a state university and college information system to provide comprehensive, meaningful and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.

(2) The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government.

(3) The Commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the state board of education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the Commission.

(i) (1) The Commission on higher education is authorized to review all programs and units of instruction, research and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and the state legislature, its recommendations.

(2) The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor and the legislature that would strengthen the total program of higher education in the state.

(3) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or instructional program for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation and approval. No state funds shall be expended by any public institution for any new unit or instructional program which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission with 10 months of submission shall be considered approved.

(4) The Commission shall have the authority to terminate existing programs and units of instruction, research and public service funded by state appropriation. No State funds shall be expended by any public institution on any terminated unit or program after the expiration of one year from the Commission's order of termination unless said termination order is specifically overruled by an act of the legislature prior to the expiration date of one year from the Commission's order of termination.

(5) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the legislature for any new unit or program of instruction, research or public service denied approval by the Commission, in which case the action of the legislature, when approved by the governor or otherwise upon becoming a law, is final.

(6) Colleges and Universities conducting credit courses and instructional programs on military reservations are exempt from the Commission's regulatory review, approval, and terminating authority for those offerings on the military reservations, and may expend with out the approval of the Commission any funds received for the purpose of supporting these programs.

(j) (1) The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than 90 days prior to each legislative session, their budget proposals for the operation and capital needs of the institutions under their governance or supervision.

(2) The Commission shall review, evaluate and coordinate budget requests for the public institutions of higher education of this state, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the governor and the legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama and between institutions and similar functions located in other states, provided that nothing herein shall be construed to prohibit any institution of higher education in this state from submitting any matter pertaining to the financial operation and needs of said institution to the legislature or to the governor at any time; provided, however, that the recommendation of the Commission shall be developed by reconciling the short and long term financial needs of the subject institutions with the realistic estimates presented by the State Department of Revenue, the State Budget Officer, or other reputable consultant of the short and long term revenue resources anticipated to be available to fund such financial needs of the institutions.

(k) The Commission shall exercise the following powers and duties in addition to those otherwise specified by law:

(1) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(2) To recommend to the legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(3) To advise and counsel the governor and the legislature, upon request, regarding any area of, or matter pertaining to, postsecondary education.

(4) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system.

(5) To develop and publish a criteria which may be used by the legislature as a basis:

a. for changing the classification of any public institution of higher education; and

b. for determining the need for new public junior colleges, public senior colleges, universities or university systems.

Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction, or by the standing legislative committee considering same, to the Commission for its opinion as to need for the state therefor, and the Commission shall report its findings to the governor and the legislature.

(6) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(7) To hear applications from the institutions for changes in classification or role and scope and to recommend to the legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(8) To make continuing studies, on its own initiative or upon the request of the governor or the legislature, of the financial needs of public higher education and issue such reports to the governor and the legislature as may result from its studies.

(9) To submit to the governor and the legislature on or before the first day of January of each year a written report covering the activities of the Commission and the status of higher education in Alabama. The report shall include:

a. statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

b. comments upon major developments, trends, new policies, budgets and financial considerations which in the judgment of the Commission will be useful in planning a sound program of higher education; and

c. recommendations respecting postsecondary education in this state as may be appropriate.

(10) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this amendment.

(11) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the state.

(12) To conduct a program of public information in order to inform citizens of the state of matters of importance to higher education in Alabama.

(13) To serve as the state agency for the administration of those titles of the Higher Education Act of 1965 (Public Law 89-329), as amended, for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by executive order.

(14) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instructions within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

(1) The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949; Act 40, H. J. R. 21, 1955) and those functions in sections 16-3-32 through 16-3-35 of the Code of Alabama 1975, as amended, heretofore assigned to the Alabama Commission on Higher Education with funds that may be appropriated to it by the legislature for that purpose.

(m) During the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this state to evaluate the effectiveness of the work of the Commission and to recommend change as needed. All of these consultants shall be selected from a list provided by the Council of Presidents. A report prepared by the committee shall be submitted to the governor, the legislature, the presidents and governing boards of the public institutions of higher education of this state and the public.

(n) (1) Except for those powers and duties granted to the Commission by this amendment, the governing boards of the public institutions of higher education of this state shall retain all powers and duties heretofore given and conferred upon them by the constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and except where otherwise authorized by this amendment, shall act in a fact-finding and advisory capacity.

(2) The state boards of education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges and postsecondary technical institutes or colleges, shall stand in the same relationship to the Commission as do the university boards of trustees. The state superintendent of education or other officer charged with the responsibility for governance of the public two-year institutions shall stand in the same relationship to the Commission as do the presidents of the universities.

(o) The Commission is authorized to accept gifts, grants or bequests and expend the same to carry out the provisions of this chapter or to promote the purposes for which it has been established.

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and three other places in the county.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committee as follows:

By Mr. Little:

S. 497. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Parsons:

S. 498. To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support law, Code of Alabama 1975, §§30-4-80 through 30-4-98, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree as defined in this act.

Committee on Judiciary.

By Mr. White:

S. 499. To amend Sections 3 and 8 of Act No. 79-678, regular session 1979, effective July 30, 1979; to further define the buildings, the design of which requires architectural services; to further define the interprofessional privileges between architects and professional engineers; and, to provide further for practice of architecture by corporations and professional associations.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 500. To amend Section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator for the location of absent parents, so as to provide further for said office.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 501. To require that all property and casualty insurers who intend to alter coverage, a deductible, or policy limits, must notify the policyholder of the action.

Committee on Banking and Insurance.

By Mr. Weeks:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

S. 503. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding \$12,000,000 in principal amount for certain County Jail Facilities (as defined herein), to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to lease from any public corporation or any private person, firm or corporation any such County Jail Facility (whether or not any such bonds are issued) and to apply, pledge or appropriate proceeds of the said special tax for payment of any such lease obligations; providing that none of the said bonds or any of the said lease obligations shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. St. John (with notice and proof):

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 504, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Figures (with notice and proof):

S. 505. Relating to the Mobile County civil service system; to amend Section XV of Act 470, H. 952, 1939 Regular Session (Acts of 1939, p. 298), as amended, so as to remove the reference to provisional appointments and to repeal Section XVIII of said act which provided for provisional appointments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 505, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried:

S. 506. To provide for the membership and appointment of the Alabama Higher Education Commission; to define certain terms; to establish qualifications for Commission members; to establish requirements for a quorum of the Commission at meetings; to provide for appointment of an executive officer, and to authorize the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; to further provide for the Commission's powers and duties; to provide for effective operation and to specifically repeal Sections 16-5-1 through 16-5-14, Code of Alabama 1975, relating to the Alabama Commission on Higher Education.

Committee on Education.

By Mr. Callahan:

S. 507. To provide that any member of the Judicial Retirement Fund serving as a circuit judge on June 1, 1982, may purchase credit for up to one year of service as a law clerk to the Supreme Court of Alabama; to provide a method of payment for said Service and to provide a time limitation for compliance with provisions of this Act.

Committee on Finance and Taxation.

MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 405, on page 82 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 405, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 44, on page 5 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 44, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 156. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

By Rep. Owens:

H. 158. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

By Rep. Owens:

H. 154. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

By Rep. Owens:

H. 155. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Rep. Reed:

H. 397. To make appropriations for the support and maintenance of the Tuskegee Institute.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 156, 158, 154, 155, and 397. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 151. To the Committee on Finance and Taxation.

RECESS

At 11:35 A.M., on motion of Mr. Cook, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill, S. B. 303. The question was on the substitute offered by Mr. Higginbotham.

RESOLUTION

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 199. HONORING THE LATE WILLIAM SAMSON SPURLIN, OF OPP, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 186. COMMENDING THE PISGAH LADY EAGLES, STATE 2A GIRLS BASKETBALL CHAMPIONS.

Also:

H. J. R. 187. COMMENDING MR. HAL C. BUCKELEW, ONEONTA CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

Also:

H. J. R. 215. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ICE HOCKEY TEAM.

Also:

H. J. R. 220. COMMENDING THE UNIVERSITY OF ALABAMA SWIM TEAM, SEC CHAMPIONS.

Also:

H. J. R. 221. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

Also:

H. J. R. 223. COMMENDING AIRMAN APPRENTICE JEFFERY W. BETHUNE FOR EXTRAORDINARY BRAVERY SHOWN ABOARD THE U.S.S. NIMITZ.

Also:

H. J. R. 229. MOURNING THE DEATH OF MR. CHARLES CRAYTON ADAMS, III, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 231. MOURNING THE DEATH OF WILLIAM ALAN BEDSOLE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 330. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Also:

H. 594. Relating to Lauderdale County; to amend Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, p. 129), which act creates the office of license commissioner, so as to provide further for the fee charged for the issuance of motor vehicle tags by mail.

Also:

H. 608. Relating to Choctaw County; to provide an expense allowance for the members of the county board of education which shall be in lieu of all other expense allowances provided for by law.

Also:

H. 613. To amend Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, so as to provide that the methods of service of summons and complaints and subpoenas authorized therein for Crenshaw County are in addition to any other mode of service provided by law or rule.

Also:

H. 574. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Clarke County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 200. MOURNING THE DEATH OF MR. PASCAL BERRY KING OF KELLYTON, ALABAMA.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill, S. B. 303. The question was on the substitute offered by Mr. Higginbotham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 211. RELATIVE TO ADJOURNMENT ON THURSDAY, MARCH 18, 1982 TO MEET AGAIN ON TUESDAY, MARCH 23, 1982.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 31. CREATING A SELECT COMMITTEE TO DESIGN AND TO PROVIDE FOR THE MANUFACTURE, PURCHASE AND DISTRIBUTION OF IDENTIFYING LAPEL PINS FOR MEMBERS OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Little offered the following Senate Resolutions, to-wit:

S. R. 201. CONGRATULATING MRS. ELMINA SMITH OF TALLAPOOSA COUNTY ON THE 100TH ANNIVERSARY OF HER BIRTH.

Also:

S. R. 202. COMMENDING MRS. SHELBY JEAN GREEN UPON BEING DESIGNATED WOMAN OF THE YEAR 1981 IN RANDOLPH COUNTY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 211. Relative to meeting on March 23, 1982, after adjournment on Thursday, March 18, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILL RE-REFERRED

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on the following Bill, H. B. 531, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 531, re-referred to the Standing Committee on Governmental Affairs.

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill, S. B. 303. The question was on the substitute offered by Mr. Higginbotham.

On motion of Mr. deGraffenried, said substitute was laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, S. B. 303, to-wit:

SUBSTITUTE FOR S. B. 303

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

Be It Enacted by the Legislature of Alabama:

PROPOSED AMENDMENT

(a) There is hereby created and established an Alabama Higher Education Committee which shall supersede the Alabama Commission on Higher Education (ACHE) which now exists and operates under the provisions of Sections 16-5-1 through 16-5-14, of the Code of Alabama 1975, as amended.

(b) The legislature shall provide by law for the appointment, terms, qualifications for members and the functions, meetings and powers, duties and responsibilities of the Commission.

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 3.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener		

—25

Nays: Messrs.: Kirkland, Little and Proctor.

—3

And said Bill, S. B. 303, as thus amended by the Substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Cook	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Goodwin			

—28

Nays:

—0

MOTION TO ADJOURN LOST

At 2:45 P.M., Mr. Keener moved that the Senate adjourn until Tuesday, March 30, 1982, at 2 o'clock P.M., which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs.:	Higginbotham	Miller	Weeks	
Callahan	Hilliard	Parsons	White	
Cook	Keener	Smith		—13
deGraffenried	Little			
Hall				

Nays:

Messrs.:	Goodwin	Kirkland	Mitchem	
Bailey	Gulledge	Lemaster	Proctor	
Britnell	Harrison	Martin	Robertson	
Denton	Holmes	McDonald	Taylor	—15

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Motion in Writing by Mr. St. John, proposing an amendment to Senate Rule 29.

On motion of Mr. Proctor, further consideration of the Motion in Writing was postponed temporarily.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. J. Byard Swift as a member of the Foreign Trade and Relation Commission.

On motion of Mr. Kirkland, the appointment of Mr. Swift was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor	
Bailey	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Robertson	White	
Goodwin	Kirkland	Smith		—18

Nays:

—0

FURTHER CONSIDERATION OF APPOINTMENT

The Senate proceeded to further consideration of the appointment of Dr. Robert J. Lager to the Board of Trustees of the Alabama Institute for the Deaf and Blind, which said appointment is set out in the Journal of the Senate for the Seventh Legislative Day, and which was reported favorably out of the Standing Committee on Rules and postponed on the Tenth Legislative Day.

And on motion of Mr. McDonald, the appointment of Dr. Lager was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson	
Bailey	Harrison	McDonald	Smith	
Callahan	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Teague	
deGraffenried	Little	Parsons	Vacca	
Goodwin				—20

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Barton:

H. J. R. 238. COMMENDING THE WEST END CHRISTIAN HIGH SCHOOL MARCHING CRUSADERS BAND.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 238, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Goodwin:

H. J. R. 224. NAMING THE NEW BRIDGE WHICH CONNECTS COLBERT AND LAWRENCE COUNTIES, THE "JOE PATTERSON BRIDGE."

WHEREAS, the new bridge in the northeast corner of Colbert County, which connects Colbert and Lawrence Counties, crosses farmland which is owned and maintained by the family of Joe Thomas Patterson; and

WHEREAS, Joe Thomas Patterson, who was born July 9, 1898, moved to the family farm in 1930 where he lived and worked for the remainder of his life, and where the Patterson family still lives; and

WHEREAS, Mr. Patterson served the Colbert County school system by transporting school children to and from school, first by his own wagon and team and later by school bus; and

WHEREAS, Mr. Patterson also served as a non-salaried deputy and as a game warden for Colbert and Lawrence Counties for 15 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new bridge in the northeast corner of Colbert County which joins Colbert and Lawrence Counties be named the "Joe Patterson Bridge," and direct that the State Highway Department erect appropriate signs and markers to so designate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 224, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 203. MOURNING THE DEATH OF MR. MONROE LEE ADAMS OF TUSCALOOSA COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with deep sadness and regret the death of Mr. Monroe Lee Adams of Tuscaloosa, on January 25, 1982, at the age of 65 years; and

WHEREAS, a native and lifelong resident of his beloved Tuscaloosa County, Mr. Adams was a United States Naval veteran who valiantly served his country during World War II, from 1942 until 1945, having previously served from 1936 until 1939 with the Civilian Conservation Corps; and

WHEREAS, Mr. Adams, who was an employee of the B. F. Goodrich Company for more than twenty years, was a man of keen wit whose genial sense of humor will long be remembered by his good friend and co-worker, "Big Ed" Robertson, and by others with whom he shared the night shift at Goodrich; and

WHEREAS, it is the consensus of the Legislature that as a veteran and true patriot, a loyal and responsible citizen of Alabama, and as a man to be truly trusted, Mr. Adams was a rare individual—"the type of man with whom one could walk down a dirt road after dark"; and

WHEREAS, Mr. Adams and his wife of some 35 years, the former Opal Faye Jacobs, were the parents of six fine children: Linda Faye Adams Lewis, Connie Lee Adams Sullivan, Anderia Leigh Adams Rivers, Cathy Renee Adams Jones and Richard Wayne and David Monroe Adams, all of whom are sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Monroe Lee Adams of Tuscaloosa, Alabama, and direct that a copy of this resolution be sent to his family that they may know we truly share the sorrow of their great loss.

Which was read and referred to the Standing Committee on Rules.

Mr. Robertson then offered the following Senate Resolution, to-wit:

S. R. 204. MOURNING THE DEATH OF MR. MONROE LEE ADAMS OF TUSCALOOSA COUNTY, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 249. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, March 25, 1982, we adjourn to meet again on Tuesday, March 30, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 249, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 3 o'clock P.M., on motion of Mr. Cook, the Senate adjourned until Tuesday, March 30, 1982, at 2:01 P.M.

TWENTY-SECOND LEGISLATIVE DAY

TUESDAY, MARCH 30, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend David McVay, Minister, Notasulga United Methodist Church, Notasulga, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Hilliard	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster	Robertson	
Gulledge	Little		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Goodwin for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing Committees, as follows:

By Mr. Cook (with notice and proof):

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 508, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Proctor (with notice and proof):

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 509, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca (with notice and proof):

S. 510. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 510, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Higginbotham and Little (with notice and proof):

S. 511. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 511, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Holmes (with notice and proof):

S. 512. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 512, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 513. To amend Sections 34-8A-18 and 34-8A-23, Code of Alabama 1975, which provides for licensing of counselors, so as to provide further for the requirements for prior practitioners.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

Committee on Governmental Affairs.

By Mr. White:

S. 515. To make changes in the benefits available to public employees and relating to the Teachers Retirement System of Alabama ("TRS"), and the Employees Retirement System of Alabama ("ERS"); to prescribe the rates of member contributions and benefit accruals under the "ERS", and "TRS" respecting persons who become members of each said retirement system, on or after October 1, 1982; to provide that any person who became a member of "ERS," or "TRS," prior to October 1, 1982, may irrevocably elect to withdraw all or a part of his accumulated contributions from his respective retirement system and participate commencing October 1, 1982, as a member who became a member of his respective retirement system on that date with all prior service credited as of October 1, 1982; to provide that the formula benefit for the prior service as of October 1, 1982, shall be determined by the amount of accumulated contributions that are withdrawn; To provide that the State will contribute to only one retirement plan for teachers and to provide for an optional retirement program where certain teachers may elect to participate in TIAA-CREF or other similar tax sheltered annuity program in lieu of participation in the "TRS". To provide for a procedure whereby if the appropriations contained in the General Appropriations Budget Act and Alabama Special Educational Trust Fund Budget Act for the fiscal year commencing October 1, 1982, are determined to be in excess of that required for proper funding of the "ERS", or "TRS" then, in that event, to reduce such appropriations respectively by such excess; and to re-appropriate such excess to the General Fund in the State Treasury so as to make such excess available to satisfy other appropriations therefrom; provided, however, that any excess funds from the "ASETF", or constitutionally dedicated trust funds shall return to the funds from which appropriated originally.

Committee on Finance and Taxation.

By Mr. Callahan (with notice and proof):

S. 516. To amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, p. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 516, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 517. RELATING TO SCHOOL DISTRICT ONE, MADISON COUNTY; Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in School District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and prescribing the purposes for which such proceeds may be used.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 517, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem (With Notice and Proof):

S. 518. Relating to DeKalb County; directing and requiring the county commission to provide for holding a referendum election relative to the distribution of the payments made in lieu of certain ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975 and directing the DeKalb County Commission to provide for the distribution of such funds in the manner approved by the majority of the voters at this referendum.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 518, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem (with notice and proof):

S. 519. Relating to DeKalb County; providing for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and providing for an effective date.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 519, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gulledge (with notice and proof):

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 520, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Lemaster and Bailey:

S. 521. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Weeks:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Callahan:

S. 503. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding \$12,000,000 in principal amount for certain County Jail Facilities (as defined herein), to be additionally secured by a pledge of the special ad valorem tax

provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to lease from any public corporation or any private person, firm or corporation any such County Jail Facility (whether or not any such bonds are issued) and to apply, pledge or appropriate proceeds of the said special tax for payment of any such lease obligations; providing that none of the said bonds or any of the said lease obligations shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

The above Bill was read a second time at length as required by the Constitution.

By Mr. St. John (with notice and proof):

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 205. CONGRATULATING DR. CHESTER B. PRIMM OF ROANOKE, ALABAMA, RANDOLPH COUNTY'S MAN OF THE YEAR 1981.

Which was adopted.

FURTHER CONSIDERATION OF MOTION IN WRITING

The Senate proceeded to further consideration of the Motion in Writing by Mr. St. John, to-wit:

MOTION IN WRITING

I move that Senate Rule 29 be amended as follows:

Amend Rule 29 by adding after the word "question" in the first sentence in said Rule 29 the words, "other than a motion to table".

Which said Motion was reported favorably from the Standing Committee on Rules and postponed temporarily on the Twenty-First Legislative Day.

And said Motion in Writing was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 581. Relating to Shelby County; providing for additional compensation for the tax assessor and tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailey

Britnell
Cook

Denton
Figures

Gulledge
Hall

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Hilliard	Little	Parsons	Teague
Holmes	Martin	Proctor	Vacca
Keener	McDonald	Smith	Weeks
Kirkland	Miller	Taylor	White
Lemaster	Mitchem		

—25

Nays: —0

The Bill:

H. 611. Relating only to Talladega County, further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 611, to-wit:

COMMITTEE AMENDMENT TO H. B. 611

Amend House Bill 611, Page 2, Section 3 by striking 1981 and adding in lieu thereof the following: 1982.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Teague
Cook	Holmes	Mitchem	Weeks
deGraffenried	Kirkland	Parsons	White
Denton	Lemaster		

—25

Nays: —0

And said Bill, H. B. 611, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Teague
Cook	Holmes	Mitchem	Weeks
deGraffenried	Kirkland	Parsons	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 622. Relating to the 17th Judicial Circuit; to provide for an expense allowance for the district attorney.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 623. To provide for the establishment of a merit system for Marshall County, Alabama, and a Personnel Board governing the appointment, hiring, salaries, benefits, removal and official conduct of employees of the County; defining violations of the act; imposing penalties for violation; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Bailey	Hall	Martin	Taylor	
Britnell	Hilliard	McDonald	Teague	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 629. Relating to Crenshaw County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Rutledge, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Proctor	
Bailey	Hilliard	McDonald	St. John	
Britnell	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
Figures	Lemaster	Pearson	White	
Gulledge	Little			—25

Nays: —0

The Bill:

H. 643. Relating to the City of Dothan in Houston County; to amend further Sections 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of

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Alabama 1953, p. 145), which Act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the Pension Board's meetings by requiring the city manager to attend, and to provide further for the authorized investments of the Pension Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Britnell	Hilliard	Miller	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

Nays: —0

The Bill:

H. 644. Relating to Clarke County; to amend Act 513, Regular Session 1951, (Acts of Alabama, p. 903), pertaining to the Board of Education, so as to provide that the members of said board shall be elected from certain districts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Cook	Kirkland	Proctor	Weeks
Denton	Little	St. John	White
Figures	Martin		

—25

Nays: —0

The Bill:

H. 652. To propose an amendment to the Constitution of Alabama relating to court costs and charges to Calhoun County.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Proctor
Bailey	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Callahan	Holmes	Mitchem	Teague
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Pearson	White
Figures	Little		

—25

Nays: —0

The Bill:

S. 482. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Proctor	
Bailey	Hall	McDonald	St. John	
Britnell	Harrison	Miller	Smith	
Callahan	Holmes	Mitchem	Teague	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Pearson	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 484. Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Figures
Bailey	Callahan	Denton	Hall

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Hilliard	McDonald	Proctor	Teague	
Holmes	Miller	St. John	Vacca	
Kirkland	Mitchem	Smith	Weeks	
Little	Parsons	Taylor	White	
Martin	Pearson			—25
<i>Nays</i>				—0

The Bill:

S. 486. Relating to Chambers County; authorizing the county commission to supplement the salary of the district judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 493. Relating to Talladega County; providing recording fees charged by the probate judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor	
Bailey	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Callahan	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Weeks	
Denton	Kirkland	Parsons	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

S. 496. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Smith	
Callahan	Higginbotham	Mitchem	Taylor	
Cook	Holmes	Parsons	Teague	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland			—25

Nays: —0

RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 206. COMMENDING MR. FRED W. BURGESS, PROMINENT BREWTON, ALABAMA LUMBERMAN.

Which was adopted.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 207. CONGRATULATING DR. ELLSWORTH STEELE UPON HIS RETIREMENT FROM AUBURN UNIVERSITY.

Which was adopted.

MOTIONS IN WRITING

Mr. Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 487, on page 89 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 487, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hilliard then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 247, on page 97 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 247, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 249. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 225. COMMENDING THE MONTGOMERY POLICE DEPARTMENT.

Also:

H. J. R. 219. HONORING MISS JULIA A. PERDUE UPON HER RETIREMENT.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 208. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-second legislative day of the 1982 Regular Session:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 302	57	Judicial Compensation Comm., salary c/a
S. B. 423	100	Circuit Judges, salary supplement
S. B. 344	73	Community Serv. Dept., estab. for Economic Disadvantaged
S. B. 439	95	10th Judicial Cir., add'l judgeships
S. B. 297	36	Handgun ammunition, teflon coating, proh.
S. B. 45	50	ERS, re-open for 60 yrs. or older
S. B. 462	88	Municipalities, sale of real prop. for hotels
S. B. 386	52	Susie P. Stringfellow Mem. Hosp., exempt.
S. B. 206	68	Bingo, legalized
S. B. 339	25	Phy. controlled sub. appeals to circuit court
S. B. 254	26	Alabama Dental Serv. Corp. Act
S. B. 292	34	Criminal work release program, failure to ret.
S. B. 26	8	State textbook committee, est.
S. B. 195	58	Schools, support pers., fair dis.
S. B. 422	80	Probate judges, comp.
S. B. 387	71	County Commissioners, salary
S. B. 109	42	Fee system abol., tax coll., etc.
S. B. 110	42	Fee system abolished c/a
S. B. 34	6	Welcome centers, bids on food concessions

S. B. 344	59	Drivers License, persons ineligible
S. B. 66	9	Driver education, eliminated to graduate
S. B. 317	72	Elections, voter reg. file maint. sys.
S. B. 420	79	Motor Vehicles, 'DWT'. penalties inc.
S. B. 428	71	Motor Vehicles, oversized loads moved, special permit
S. B. 280	30	Egg producers, assessment of monies, ref.
S. B. 281	31	Poultry & eggs, promotion of
S. B. 282	31	Poultry & eggs, promotion of c/a
S. B. 393	78	Garnishment, conform with federal law
S. B. 300	65	Alabama Supreme Court, add'l staff, approp.
S. B. 218	77	Employees, out-of-state travel, agri. & indus.
S. B. 415	76	Alabama Hospital Care Serv. Price Dis.
S. B. 418	77	Interior Design, regulations
S. B. 433	87	Alcoholic Beverages, manufacturers & importer
S. B. 479	89	Solid Waste Auth., resource recovery
S. B. 455	102	Board of Corrections, cond. approp.
S. B. 410	73	ERS, state to pick-up certain member contri.
S. B. 244	40	TRS, Alabama Vocational Assoc., may join
S. B. 296	46	Polygraph examiners, regu.
S. B. 200	40	Swine disease, approp.
S. B. 173	33	County bd. of education, voters to elect.
S. B. 106	23	Insurance, lic. fees. alt.
S. B. 394	55	Public contracts, manner of awarding alt.
S. B. 211	24	Bank investigators, appt. of
S. B. 380	70	Liens for work performed, expanded
S. B. 416	90	Governor, Sec. of St., St. Auditor, salary
S. B. 333	69	Trusts, support of relatives, created
S. B. 164	66	Motor veh., length exemptions

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 31. CREATING A SELECT COMMITTEE TO DESIGN AND TO PROVIDE FOR THE MANUFACTURE, PURCHASE AND DISTRIBUTION OF IDENTIFYING LAPEL PINS FOR MEMBERS OF THE ALABAMA LEGISLATURE.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 302. To propose a constitutional amendment amending subsection 6.09 (d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Mr. McDonald offered the following substitute for the Bill, S. B. 302, to-wit:

SUBSTITUTE FOR S. B. 302

A BILL TO BE ENTITLED AN ACT

To propose a constitutional amendment amending subsection 6.09 (d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to subsection 6.09 (d) of Article VI of the Constitution of Alabama of 1901, as amended, is hereby proposed:

PROPOSED AMENDMENT

"6.09.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act of the legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his official term."

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama 1901, as amended, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

Section 4. This Act shall become effective immediately upon its passage, provided however the provisions of this act shall have no force and effect if the 1982 report of the Judicial Compensation Commission fails to become law.

On motion of Mr. Higginbotham, said substitute was laid on the table.

And said Bill, S. B. 302, was read a third time at length, as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Callahan	Higginbotham	Mitchem	Taylor
Cook	Hilliard	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Lemaster	Proctor	

—26

Nays:

—0

MOTIONS IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 196, on page 94 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 196, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 471, on page 91 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 471, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 439. To create three additional circuit judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 439, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create three additional circuit judgeships for the Tenth Judicial Circuit of Alabama; to provide for the appointment of such judges, to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby created the offices of circuit judgeships Nos. 21, 22, and 23 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said circuit now existing. The first judges of said additional circuit judgeships Nos. 21, 22 and 23 shall be appointed directly by the Governor, notwithstanding any other provision of law.

It is the express intent of the legislature that the three judgeships created by this act are not vacancies and, therefore, not subject to the provisions of Amendment 83 and 110 to the Constitution of 1901. As used in this act the word "created" shall mean to bring into being; to cause to exist and the word "vacancy" shall mean an office existing prior to the provisions of this act which office is unoccupied.

Section 2. The judges of said circuit judgeships Nos. 21, 22, and 23 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that division of said circuit to which the circuit judges numbers 1 through 4, 6 through 11, 13 through 18 and 20, sit and perform the same duties in said division as performed by the other judges of the division, subject to assignment by the presiding judge of the circuit.

Section 3. The additional circuit judges provided for in this act shall receive the same salary, and supplements payable in the same manner, as other circuit court judges in the Tenth Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 23 circuit judges in the tenth judicial circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(30) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. There is hereby appropriated a sum not to exceed three-hundred-sixty-one-thousand-three-hundred-fifty-three dollars to the Unified Judicial System for fiscal year 1982-83, to be conditioned upon the condition of the general fund and upon approval of the Governor for the support and maintenance of these additional judgeships. If the Governor, at any time during fiscal year 1982-83 releases this conditional appropriation, appointment filling any or all of these positions shall be made by the Governor, provided however, if the Governor fails to fill any one of these positions during fiscal year 1982-83, said judgeships shall become effective on October 1, 1983 and appointment shall be made by the governor.

Section 6. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 7. The provisions of this act are not severable. If any part of the act is declared invalid or unconstitutional, the entire act shall become null and void.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted

Yeas 17; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Pearson	
Bailey	Hall	Miller	St. John	
Callahan	Holmes	Mitchem	Taylor	
Cook	Kirkland	Parsons	White	
Figures	Little			—17

Nays: —0

And said Bill, S. B. 439, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Cook	Kirkland	Parsons	White	
deGraffenried	Little	Pearson		—18

Nays: —0

The Bill:

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 423, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 423

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-30, Code of Alabama 1975, is hereby amended to read as follows:

"§12-17-30, (a) Circuit and District Judges shall receive an annual state salary as provided by law. in the amount of \$34,000 commencing October 1, 1979.

"(b) The provisions of this section shall not apply to section 12-17-68 and section 12-17-92, Code of Alabama 1975.

"(c) Any salary supplement received by any circuit judge or district attorney which now exceeds \$11,000 \$12,000, or because of the enactment of this section will exceed such sum, is hereby reduced to the sum of \$11,000 \$12,000; provided, however, that any office of circuit judge or district attorney where the salary supplement exceeds \$12,000, such salary supplement shall continue in an amount equal to the sum of such local salary supplement on the effective date of this act as the maximum provided by law. Any cost-of-living increase granted shall in no way be applicable to any local salary supplements provided to any circuit or district court judge or district attorney whether passed in the present legislative session or any future legislative session unless specifically prescribed in the enactment.

"(d) The maximum salary supplements provided in subsection (c) shall not include any payments authorized in Sections 12-5-11 and 12-5-12 of the Code of Alabama 1975 for expenses for educational and travel purposes."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, provided however, the provisions of this act shall have no force and effect if the 1982 report of the Judicial Compensation Commission fails to become law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	McDonald	Taylor
Callahan	Hilliard	Miller	Vacca
deGraffenried	Holmes	Robertson	Weeks
Denton	Kirkland		

—17

Nays: —0

And said Bill, S. B. 423, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

Yeas:

Messrs.:	Harrison	McDonald	St. John
Bailey	Hilliard	Miller	Smith
Callahan	Kirkland	Mitchem	Taylor
deGraffenried	Little	Proctor	Vacca
Hall	Martin	Robertson	Weeks

—19

Nays: Messrs.: Hilliard, Holmes and Parsons. —3

The Bill:

S. 343. To provide for more effective and efficient services to the economically disadvantaged citizens of the state; to create a state Department of Community Services; to prescribe its powers and duties; to provide for the appointment of a director of Community Services as executive and administrative officer, and the appointment of other employees; to provide for the appointment of community action boards to administer certain community action programs authorized by this act; to establish and provide for the State Advisory Council on Economic Opportunity; to authorize the director of Community Services to provide financial assistance to community development entities in certain instances; to prescribe penalties for certain violations; and to provide for certain youth recreation and sports programs.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 343, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 343

A BILL
TO BE ENTITLED
AN ACT

To provide a mechanism for funding of multi-service programs designed to promote economic self-sufficiency among low-income citizens of the State of Alabama; providing that 95% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action and certain other agencies under this act; to prescribe duties and responsibilities of Community Action Agencies; to define certain other agencies to be named limited purpose agencies which shall qualify for funds under the provisions of this act and to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies and limited purpose agencies; to prescribe guidelines for the operation of Community Action Programs under this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Providing that 95% of all monies received by the State of Alabama through the Community Services Block Grant Act, Section 671 of the Omnibus Budget Reconciliation Act of 1981 shall be appropriated to Community Action Agencies and certain other agencies as defined in Section 3 and 4 hereof to carry out programs under Section 5 herein. The Legislature is authorized to appropriate any other funds that might become available for the purposes as described in this act.

Section 2. Funds appropriated for the purpose of Section 1 shall be allocated annually to Community Action Agencies in proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population and available resources in the state. "Poverty level population" means the number of people whose household income is below the official poverty line established by the United States Director of the Office of Management and Budget.

Section 3. COMMUNITY ACTION AGENCIES

Subdivision 1. A Community Action Agency for the purposes of this act shall include the following: a county, a municipality or a combination thereof; a private non-profit agency which has been designated as an "eligible entity" under Section 672 (1) of the Community Services Block Grant Act; or a private non-profit agency newly established by local ordinance in compliance with subdivision 2 of this Section.

Subdivision 2. Each Community Action Agency shall administer its programs through a governing board consisting of 15 to 51 members.

(a) One-third of the members of the Board shall be elected or appointed public officials, currently holding office, or their representatives. These members shall be designated or approved by the chief elected local government official of officials of the jurisdiction which they represent.

(b) At least one-third of the members shall be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served by the Agency.

(c) The other members shall be officials or members of business, industry, labor, religious, welfare, education, housing or other major groups and interests in the community. Each member of the Board selected to represent a specific geographic area within and appointed community must reside in the area represented.

Procedures for selection of Board members shall be submitted to county commissions within the Community Action Agency service area for their review. This procedure may be set out in the By-Laws governing the Community Action Agency.

Subdivision 3. Each Community Action Agency receiving funds under this act shall prepare a bi-annual audit to be made available to the public, to state and local government.

Subdivision 4. If a Community Action Agency delegates responsibility for major policy determinations with respect to the character, funding, extent, and administration of the budgeting for programs to be carried on in a particular geographic poverty or low-income area within the community in a subsidiary board, council, or similar agency, that board, council, or agency shall be broadly representative of the area.

Subdivision 5. The specific service area of any Community Action Agency must be specified in its charter. No Community Action Agency service areas shall overlap; nor shall any service area include less than 50,000 total population.

Subdivision 6. Each Community Action Agency shall consult neighborhood based organizations composed of residents of the area of members of the groups served to assist the agency in planning, conduct, and evaluation of components of the Community Action Program.

Subdivision 7. A Community Action Agency shall:

- (a) Plan systematically for an effective Community Action Program;
- (b) Encourage agencies engaged in activities related to the Community Action Program to administer assistance on a common or cooperative basis;
- (c) Initiate and sponsor projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs;
- (d) Establish effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests;
- (e) Join with and encourage business, labor and other private groups and organizations to undertake activities which will result in the additional use of private resources and capabilities, and otherwise carry out its purposes as approved by its governing board.

Section 4. LIMITED PURPOSE AGENCIES

Subdivision 1. A limited purposes agency qualifying for funds from the Community Services Administration Block Grant is a community based and operated program which:

- (a) was designated as an eligible entity to receive funds from the Community Services Block Grant Program under Public Law 97-115, the "Older Americans Act Amendments of 1981" or administer a Head Start Program.

(b) perform the functions of Community Action Agencies, but which are not technically Community Action Agencies.

(c) received funds in fiscal year 1981 under Section 221 and Section 222 (a) or under Section (4) of the Economic Opportunity Act of 1964.

Subdivision 2. Each limited purpose agency shall administer its programs through a governing board consisting of 13 to 50 members.

(a) This board shall be representative of the population of its service area, and representatives of the poor, as well as representatives from the business community and other agencies.

Subdivision 3. Each limited purpose agency receiving funds under this act shall prepare a bi-annual audit to be made available to the public, and to state and local government.

Subdivision 4. If a limited purpose agency delegates responsibility for major policy determinations with respect to the character, funding, extent, and administration of the budgeting for programs to be carried on in a particular geographic poverty or low-income area within the community in a subsidiary board, council, or similar agency, that board, council, or agency shall be broadly representative of the area.

Subdivision 5. The specific service area of any limited purpose agency must be specified in its charter. No limited purpose agency may service any area that overlaps with the service areas of a Community Action Agency unless the limited purpose agency is operating a program that is clearly state-wide in its scope.

Subdivision 6. Each limited purpose agency shall adhere to the principals of consultation and planning as defined for Community Action Agencies and defined under Section 3 herein.

Section 5. COMMUNITY ACTION PROGRAM

Subdivision 1. A Community Action Program is a community based and operated program which:

(a) Includes or is designated to include a sufficient number of projects of components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

(b) Has been developed, and which organizes and combines its component projects and activities, in a manner appropriate to carry out all the purposes of Section 2 and 5; and

(c) Conforms to any other supplementary criteria as may be prescribed by federal or state laws or regulations.

Subdivision 2. The components of a Community Action Program may include programs designated to assist participants, including the elderly poor, to:

(a) Secure and retain meaningful employment.

(b) Attain an adequate education;

(c) Make better use of available income;

(d) Obtain and maintain adequate housing and a suitable living environment;

(e) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance.;

(f) Remove obstacles and solve problems which block the achievement of self-sufficiency;

(g) Achieve greater participation in the affairs of the community; and,

(h) Make more frequent and effective use of other programs related to the purposes of Sections 2 and 4.

Subdivision 3. Components of a Community Action Program may be administered by the Community Action Agency when consistent with sound and efficient management and applicable law, or by other agencies. There may be projects eligible for assistance under Section 2, or projects assisted from other public or private sources; and they may be either specially designed to meet local needs or designed pursuant to the eligibility standards of a state or federal program providing assistance to a particular kind of activity which will help in meeting those needs.

Section 6. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The Governor's staff which currently administers the Community Services Block Grant shall assist in the development of delivery of services as provided in this bill.

On motion of Mr. Figures, said substitute was laid on the table.

Mr. Figures then offered the following substitute for the Bill, S. B. 343, to-wit:

SUBSTITUTE FOR S. B. 343

A BILL TO BE ENTITLED AN ACT

To provide a mechanism for funding of multi-service programs designed to promote economic self-sufficiency among low-income citizens of the State of Alabama; providing that 95% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action and certain other agencies under this act; to prescribe duties and responsibilities of Community Action Agencies; to define certain other agencies to be named limited purpose agencies which shall qualify for funds under the provisions of this act and to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies and limited purpose agencies; to prescribe guidelines for the operation of Community Action Programs under this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Providing that 95% of all monies received by the State of Alabama through the Community Services Block Grant Act, Section 671 of the Omnibus Budget Reconciliation Act of 1981 shall be appropriated to Community Action Agencies and certain other agencies as defined in Section 3 hereof to carry out programs under Section 4 herein. The Legislature is authorized to appropriate any other funds that might become available for the purposes as described in this act.

Section 2. Funds appropriated for the purpose of Section 1 shall be allocated annually to Community Action Agencies in proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population and available resources in the state. "Poverty level population" means the number of people whose household income is below the official poverty line established by the United States Director of the Office of Management and Budget.

Section 3. COMMUNITY ACTION AGENCIES

Subdivision 1. A Community Action Agency for the purposes of this act shall include the following: a county, a municipality or a combination thereof; a private non-profit agency which has been designated as an "eligible entity" under Section 672 (1) of the Community Services Block Grant Act; or a private non-profit agency newly established by local ordinance in compliance with subdivision 2 of this Section.

Subdivision 2. Each Community Action Agency shall administer its programs through a governing board consisting of 15 to 51 members.

(a) One-third of the members of the Board shall be elected or appointed public officials, currently holding office or their representatives. These members shall be designated or approved by the chief elected local government official or officials of the jurisdiction which they represent.

(b) At least one-third of the members shall be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served by the Agency.

(c) The other members shall be officials or members of business, industry, labor, religious, welfare, education, housing or other major groups and interests in the community. Each member of the Board selected to represent a specific geographic area within an appointed community must reside in the area represented.

Procedures for selection of Board members shall be submitted to county commissions within the Community Action Agency service area for their review. This procedure may be set out in the By-Laws governing the Community Action Agency.

Subdivision 3. Each Community Action Agency receiving funds under this act shall prepare a bi-annual audit to be made available to the public, to state and local government.

Subdivision 4. If a Community Action Agency delegates responsibility for major policy determinations with respect to the character, funding, extent, and administration of the budgeting for programs to be carried on in a particular geographic poverty or low-income area within the community in a subsidiary board, council, or similar agency, that board, council, or agency shall be broadly representative of the area.

Subdivision 5. The specific service area of any Community Action Agency must be specific in its charter. No Community Action Agency service areas shall overlap; nor shall any new service area include less than 50,000 total population. This population requirement shall not affect existing Community Action Agencies, nor affect the authority of an existing agency to expand into an area not already served by a Community Action Program.

Subdivision 6. Each Community Action Agency shall consult neighborhood based organizations composed of residents of the area of members of the groups served to assist the agency in planning, conduct, and evaluation of components of the Community Action Program.

Subdivision 7. A Community Action Agency shall:

- (a) Plan systematically for an effective Community Action Program;
- (b) Encourage agencies engaged in activities related to the Community Action Program to administer assistance on a common or cooperative basis;
- (c) Initiate and sponsor projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs;
- (d) Establish effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests;
- (e) Join with and encourage business, labor and other private groups and organizations to undertake activities which will result in the additional use of private resources and capabilities, and otherwise carry out its purposes as approved by its governing board.

Section 4. COMMUNITY ACTION PROGRAM

Subdivision 1. A Community Action Program is a community based and operated program which:

- (a) Includes or is designated to include a sufficient number of projects of components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;
- (b) Has been developed, and which organizes and combines its component projects and activities, in a manner appropriate to carry out all the purposes of Section 2 and 4; and
- (c) Conforms to any other supplementary criteria as may be prescribed by federal or state laws or regulations.

Subdivision 2. The components of a Community Action Program may include programs designated to assist participants, including the elderly poor, to:

- (a) Secure and retain meaningful employment;
- (b) Attain an adequate education;
- (c) Make better use of available income;
- (d) Obtain and maintain adequate housing and a suitable living environment;

(e) Obtain emergency assistance through loan or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, employment and energy related assistance;

(f) Remove obstacles and solve problems which block the achievement of self-sufficiency;

(g) Achieve greater participation in the affairs of the community; and,

(h) Make more frequent and effective use of other programs related to the purposes of Sections 2 and 4.

Subdivision 3. Components of a Community Action Program may be administered by the Community Action Agency when consistent with sound and efficient management and applicable law, or by other agencies. There may be projects eligible for assistance under Section 2, or projects assisted from other public or private sources; and they may be either specially designed to meet local needs or designed pursuant to the eligibility standards of a state or federal program providing assistance to a particular kind of activity which will help in meeting those needs.

Section 5. Any Community Action Agency, whether public or private which has been designated as such at the time of passage of this act and which has received funding as an "eligible entity" under Section 672 (1) of the Community Services Block Grant Act shall maintain such designation and shall continue to receive any funds designated for Community Action Programs as long as those agencies comply with the provisions of this act and all other applicable state or federal laws or regulations.

Provided, however, that this section shall not be construed to affect the eligibility of newly established Community Action Agencies designated to serve areas not already served by a Community Action Program to receive funding under the Community Action Programs.

Section 6. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise become a law. The Governor's staff which currently administers the Community Services Block Grant shall assist in the development of delivery of services as provided in this bill.

Mr. Figures then offered the following amendment to the substitute for the Bill, S. B. 343, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 343

Amend the Substitute to Senate Bill 343 on Page 4, by inserting a new Section 4 as follows:

Section 4. Limited Purpose Agencies

Subdivision 1. A limited purpose agency qualifying for funds from the Community Services Administration Block Grant is a community based and operated program which:

(a) was designated as an eligible entity to receive funds from the Community Services Block Grant Program under Public Law 97-115, the "Older Americans Act Amendments of 1981" or administer a Head Start Program.

(b) perform the functions of Community Action Agencies, but which are not technically Community Action Agencies.

(c) received funds in fiscal year 1981 under Section 221 and Section 222 (a) or under Title IV of the Economic Opportunity Act of 1964.

Subdivision 2. Each limited purpose agency shall administer its programs through a governing board consisting of 15 to 50 members.

(a) This board shall be representative of the population of its service area, and representative of the poor, as well as representatives from the business community and other agencies.

Subdivision 3. Each limited purpose agency receiving funds under this act shall prepare a bi-annual audit to be made available to the public, and to state and local government.

Subdivision 4. If a limited purpose agency delegates responsibility for major policy determinations with respect to the character, funding, extent, and administration of the budgeting for programs to be carried on in a particular geographic poverty or low-income area within the community in a subsidiary board, council, or similar agency, that board, council or agency shall be broadly representative of the area.

Subdivision 5. The specific area of any limited purpose agency must be specified in its charter. No limited purpose agency may service any area that overlaps with the service areas of a Community Action Agency unless the limited purpose agency is operating a program that is clearly statewide in its scope.

Subdivision 6. Each limited purpose agency shall adhere to the principles of consultation and planning as defined for Community Action Agencies and defined under Section 3 herein.

Further amend said bill by renumbering the following sections accordingly.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Holmes	Mitchem	St. John
Bailey	Kirkland	Parsons	Smith
Britnell	Lemaster	Pearson	Taylor
Hall	Little	Proctor	Weeks
Higginbotham	Miller	Robertson	White
Hilliard			

—20

Nays:

—0

And said Bill, S. B. 343, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Britnell	Hall	Hilliard
Bailey	Figures	Harrison	Holmes

Keener	Miller	Robertson	Taylor	
Kirkland	Mitchem	Smith	Weeks	
Little	Proctor			—17
<i>Nays:</i>				—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTION

Messrs. Miller and Kirkland offered the following Senate Resolution, to-wit:

S. R. 209. HONORING THE LATE WALTER OLIVER MERRILL, AN OUTSTANDING ALABAMA ATHLETE AND NOMINEE TO THE SPORTS HALL OF FAME.

Which was adopted.

RECESS

At 4:15 P.M., Mr. Pearson moved that the Senate take a recess to allow the Standing Committee on Finance and Taxation to meet.

Mr. Robertson offered a substitute motion that the Senate take a recess and, upon the completion of the report of the Standing Committee on Finance and Taxation, adjourn until Thursday, April 1, 1982, at 10:30 A.M., which motion was adopted.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

BILLS ON THIRD READING RESUMED

The Bill:

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission to be used for the promotion of Marshall County as a tourist destination; providing that the Director of Revenue shall collect such tax.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 494, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 494

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, there is hereby levied a privilege or license tax in the amount hereinafter prescribed against

every person engaging in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for the use of rental of personal property and services furnished in such room or rooms.

Section 2. There are exempted from the provisions of the tax levied by this Act and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more.

Section 3. The taxes levied by this Act, except as otherwise provided herein, shall be due and payable to the state department of revenue on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Act shall render to the department of revenue on a form prescribed by said department, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the department of revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the department of revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the state department of revenue or by any duly authorized agent, deputy or employees of said department.

Any person who fails to pay the tax levied by this Act within the time required by this Act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon from the date on which the tax became due and payable at the rate due and payable on the state lodgings tax, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the state department of revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest

after due date of tax; make reports, or otherwise comply with the state lodging tax statutes, the promulgation of rules and regulations with respect to the state lodging tax, and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied by this Act, shall apply to the county tax levied. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this Act to the County taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 5. None of the provisions of this Act shall be applied in such manner as to violate the commerce clause of the Constitution of Alabama. Should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of this Act.

Section 6. The state department of revenue shall charge Marshall County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted such month from the proceeds of the tax before certifying the amount thereof due Marshall County Treasurer for that month.

Section 7. The Marshall County treasurer shall deposit the net proceeds of the lodgings tax collected hereunder to the account of the Marshall County Tourism Commission for its use in promoting tourism within Marshall County.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming law.

On motion of Mr. Mitchem, said substitute was laid on the table.

Mr. Mitchem then offered the following substitute for the Bill, S. B. 494, to-wit:

SUBSTITUTE FOR S. B. 494

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, there is hereby levied a privilege or license tax in the amount hereinafter prescribed against every person engaging in Marshall county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient

in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for use of rental of personal property and services furnished in such room or rooms.

Section 2. There are exempted from the provisions of the tax levied by this Act and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more.

Section 3. The taxes levied by this Act, except as otherwise provided herein, shall be due and payable to the state department of revenue on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Act shall render to the department of revenue on a form prescribed by said department, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the department of revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the department of revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the state department of revenue or by any duly authorized agent, deputy or employees of said department.

Any person who fails to pay the tax levied by this Act within the time required by this Act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon from the date on which the tax became due and payable at the rate due and payable on the state lodgings tax, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the state department of revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax; make reports, or otherwise comply with the state lodging tax statutes, the promulgation of rules and regulations with respect

to the state lodging tax, and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied by this Act, shall apply to the county tax levied. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 5. None of the provisions of this Act shall be applied in such manner as to violate the commerce clause of the Constitution of Alabama. Should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of this Act.

Section 6. The state department of revenue shall charge Marshall County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Marshall County Treasurer for that month.

Section 7. The Marshall County treasurer shall deposit the net proceeds of the lodgings tax collected hereunder to the account of the Marshall County Tourism Commission for its use in promoting tourism within Marshall County.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Figures	Lemaster	St. John	White	
Hall	Little			—25

Nays:

—0

And said Bill, S. B. 494, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Hall
Bailey	Cook	Figures	Harrison

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Hilliard	Little	Proctor	Teague	
Holmes	Martin	St. John	Vacca	
Keener	McDonald	Smith	Weeks	
Kirkland	Mitchem	Taylor	White	
Lemaster	Pearson			—25
Nays:				—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama Commission on Higher Education (ACHE).

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of March, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Dr. James D. Grady, III, (replaces Mr. J. Pelham Ferrell), 2711 Rocky Brook Road, Opelika, Alabama 36801. Term expires August 31, 1989.

Mayor Steve Means, (reappointed), P.O. Box 267, Gadsden, Alabama 35902. Term expires August 31, 1990.

as members of the Alabama Commission on Higher Education (ACHE).

Respectfully,

FOB JAMES,
Governor.

Done this 30th day of March, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 274, on page 98 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 274, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

H. J. R. 266. REQUESTING THE ALABAMA LAW INSTITUTE AND THE LEGISLATIVE COUNCIL TO CONDUCT AN ORIENTATION IN TUSCALOOSA AND MONTGOMERY FOR LEGISLATORS ELECTED IN THE 1982 GENERAL ELECTION.

WHEREAS, it is essential that all Alabama Legislators be well informed on the legislative process and the functions of the executive branch of state government; and

WHEREAS, the Alabama Law Institute and the Legislative Council planned and conducted an orientation for newly elected Legislators in 1970, 1974 and 1978; and

WHEREAS, these orientations afforded the Legislators an opportunity to become familiar with the legislative process; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute and the Legislative Council be requested to plan, organize, and conduct an orientation at the Law Center in Tuscaloosa as soon after the general elections as practicable to familiarize newly elected legislators with the Alabama legislative process.

BE IT FURTHER RESOLVED, That the Alabama Law Institute and the Legislative Council organize a second orientation in Montgomery with various heads of state agencies to acquaint newly elected legislators with important aspects of the executive branch of state government.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 266, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Bennett, Brakefield, Grouby, Turner, Wyatt, Boles, Pegues, McCorquodale, Manley, Smith (J), Edwards and Minus:

H. J. R. 256. COMMENDING THE SELMA-DALLAS COUNTY CHAMBER OF COMMERCE AND MRS. CAROLYN HUTCHESON FOR THE HOSPITALITY SHOWN TO THE JOINT INTERIM COMMITTEE STUDYING THE CAHABA STATE CAPITOL SITE.

Also:

By Rep. Payne:

H. J. R. 263. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM FOR THEIR RECENT WINNING SEASON.

Also:

By Rep. Payne:

H. J. R. 264. COMMENDING THE PINSON VALLEY HIGH SCHOOL WRESTLING TEAM FOR WINNING ITS THIRD STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 256, 263, and 264, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (H):

H. J. R. 262. NAMING THE BRIDGE ON HIGHWAY 68 IN CEDAR BLUFF, ALABAMA, "COBIA'S BRIDGE."

WHEREAS, the bridge on Highway 68 on Cedar Bluff, Alabama, was at one time a wooden, covered bridge constructed about 1938 and was located near Cobia's Gin and Grist Mill; and

WHEREAS, known through the years as Cobia's Bridge, the present span is a steel and concrete structure 24 feet wide, 453 feet in length, and with a vertical clearance of 14 feet three inches since 1958 when the bridge was raised due to the building of Weiss Lake Dam; and

WHEREAS, because of the longtime and widely-accepted usage of "Cobia's Bridge" as the name of said structure, it is the desire of the citizens of the Town of Cedar Bluff that the bridge be officially so named; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on Highway 68 in the Town of Cedar Bluff, Alabama, is hereby officially named and designated as "Cobia's Bridge," and that appropriate markers be erected and maintained so designating said structure as "Cobia's Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mayor Ginger W. Cobia of Cedar Bluff, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 262, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Riddick, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 255. DESIGNATING MAY 1, 1982, AS CONSTITUTION HALL PARK DAY.

WHEREAS, the first Alabama Constitutional Convention met in Huntsville, Madison County, Territory of Alabama, from July 5, 1819, until August 2, 1819; and

WHEREAS, the first Constitution for the State of Alabama was signed by forty-four delegates representing twenty-two counties of the Territory of Alabama on August 2, 1819; and

WHEREAS, the initial copy of the first Constitution of Alabama was printed in Huntsville, Madison County, in the newspaper The Alabama Republican on August 5, 1819, and said newspaper offices adjoined the site of the Constitutional Convention; and

WHEREAS, Huntsville, Madison County, was the site of the first capitol of the State of Alabama during the latter part of the year 1819; and

WHEREAS, the first legislature of the State of Alabama convened in Huntsville, Madison County, on October 25, 1819, and adjourned on December 17, 1819; and

WHEREAS, the first governor of the State of Alabama, the honorable William Wyatt Bibb, was inaugurated in Huntsville, Madison County, on November 9, 1819; and

WHEREAS, the first library incorporated in the State of Alabama by legislative act on November 27, 1819, was in Huntsville, Madison County, and said library adjoined the site of the Constitutional Convention; and

WHEREAS, the people of Alabama, individually as private volunteers and contributors, and as citizens collectively through their municipal, county, and state governments have reconstructed the fourteen-building complex known as Constitution Hall Park as a living memorial to the formation of the State of Alabama; and

WHEREAS, the formal opening ceremonies of Constitution Hall Park, located in the City of Huntsville, Madison County, State of Alabama, will occur on May 1, 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That May 1, 1982, be officially designated as Constitution Hall Park Day.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 255, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 170. COMMENDING MAJOR GENERAL CARL HERBERT McNAIR, JR., COMMANDING GENERAL, UNITED STATES ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Reed:

H. J. R. 241. CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES, RUNNERS-UP TO THE NCAA-II WOMEN'S BASKETBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 241, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 656. Relating to Fayette County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the

sheriff of said county at the end of the current term; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 656, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley and Pegues (with notice and proof):

H. 672. To provide for a certain increase in costs and charges of court in the Marengo County division of the Seventeenth Judicial Circuit of this state to be used to assist in service of process and service of subpoenas in civil and criminal court cases and for improvement of law enforcement by the sheriff of Marengo County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 672, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 676. To amend Section 1 of Act No. 726, H. 1050, 1978 Regular Session (Acts 1978, P. 1051), relating to salary supplements for circuit judges in Morgan County, so as to provide further for such salary supplements and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 676, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 677. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1982.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 677, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 678. To amend Section 2 of Act No. 458, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 678, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 656, 672, 676, 677, and 678. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate with engrossment:

By Rep. Reed (with notice and proof):

H. 669. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 669, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts, Patton and Letson (with notice and proof):

H. 679. Providing a certain expense allowance for the sheriff of Morgan County, Alabama, which shall become part of the base salary of \$26,000 per annum of said sheriff at the beginning of the next term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 679, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Kelley (with notice and proof):

H. 693. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Guntersville in Marshall County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 693, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 694. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 694, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 695. Relating to Marion County; to establish a special fund in the county treasury to pay a bounty to any resident of Marion County on certain beaver trapped or killed in Marion County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 695, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Grimsley, Daniels and Williams (with notice and proof):

H. 706. To Authorize and make provision for the incorporation in the City of Dothan of the Dothan Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Dothan; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing

the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 706, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holmes and Wyatt (with notice and proof):

H. 710. Relating to Montgomery County; to provide an additional expense allowance for the members of the Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 710, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 669, 679, 693, 694, 695, 706, 710. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moore, Smith (C) and Trammell:

H. 655. To amend Section 22-21-77 of the Code of Alabama 1975, as amended, relating to powers of county hospital corporations so as to provide further for such powers.

Also:

By Rep. Reed:

H. 651. Proposing an amendment to the Constitution of 1901, relating to the judge of probate of Bullock County and the manner and method of compensating such officer.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 653. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 653, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 657. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 657, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 170. To alter or rearrange the boundary lines of the City of Huntsville in Madison County, Alabama, so as to include within the corporate limits and within the boundaries of said City all territory and property now within said corporate limits, and also certain other additional territory in Madison County, Alabama, and to provide for certain exemptions for ad valorem taxation with respect to said additional property.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 170, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 580. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 580, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Riddick (with notice and proof):

H. 591. Relating to the City of Huntsville in Madison County, to authorize the governing body of the City of Huntsville to appropriate and pay from any general funds of the City otherwise unappropriated, up to the sum of \$3,000.00 for information leading to the arrest and conviction of the guilty person for any high crime or misdemeanor, in any case where the said governing body has, prior to the passage of this act manifested the intent of the governing body to appropriate any sum up to \$3,000.00 with respect to any high crime or misdemeanor heretofore committed, said sum to be paid only upon order of the Court before which such conviction was had.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 591, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 655. To the Committee on Health and Welfare.

H. B.'s 651, 653, 657, 170, and 591. To the Committee on Local Legislation No. 1.

H. B. 580. To the Committee on Local Legislation No. 2.

(The above numbered Bill, H. B. 651, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, McCorquodale, Williams, Owens, Dial, Warren, Wyatt, Harper (O), Daniels, Edwards, Rains, Cates, Clark (G), Hall, Cosby, Whatley, Smith (J), Willis, Sasser, Grouby, Cheatwood, Pegues, Letson, Carter, Holley, Laird and Ray:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State

of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 161. To the Committee on Finance and Taxation.

REPORTS OF COMMITTEES RESUMED

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute) (With Amendments):

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cook and Callahan:

S. 365. To authorize the Alabama State Docks Department to provide a retirement plan for various employees of the Alabama State Docks

Department including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b) (9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

ADJOURNMENT

At 11 o'clock P.M., on motion of Mr. Robertson, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 1, 1982, at 10:30 A.M.

TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, APRIL 1, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Charles Britnell, Second Senatorial District.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwir	Lemaster		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 210. RESOLVED BY THE SENATE that the following bill in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 151	100	General Fund Budget

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 151, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 151

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1982-83 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of, State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriations.

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support-Audit Services Program	4,191,152
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,191,152</u>	
Total Department of Examiners of Public Accounts	<u>4,191,152</u>	<u>4,191,152</u>

In addition to the above appropriation, there is hereby appropriated \$1,550,000 to the Department of Examiners of Public Accounts to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

2. Legislative Council:

(a) Legislative Operations and Support Program	130,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund	<u>130,000</u>	
Total Legislative Council	<u>130,000</u>	<u>130,000</u>

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program	450,558
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SOURCE OF FUNDS:

(1) State General Fund	<u>450,558</u>	
Total Legislative Fiscal Office ...	<u>450,558</u>	<u>450,558</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program	800,000
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The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$1,118.

SOURCE OF FUNDS:

(1) State General Fund	<u>800,000</u>	
Total Legislative Reference Service	<u>800,000</u>	<u>800,000</u>

5. Legislature:

(a) Senate Operations and Support Program	1,219,510
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(b) House Operations and Support Program	1,830,722
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,050,232</u>	
Total Legislature	<u>3,050,232</u>	<u>3,050,232</u>

6. Legislatures, National Conference of State:

(a) Legislative Operations and Support Program	54,365
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SOURCE OF FUNDS:

(1) State General Fund	<u>54,365</u>	
Total National Conference of State Legislatures	<u>54,365</u>	<u>54,365</u>

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..	753,940
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SOURCE OF FUNDS:

(1) State General Fund	<u>753,940</u>	
Total Court of Civil Appeals	<u>753,940</u>	<u>753,940</u>

In addition to the above appropriation, there is hereby appropriated \$23,208 to the Court of Civil

REGULAR SESSION
23rd Day

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Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

2. Court of Criminal Appeals:

(a) Court Operations Program . .	1,114,316
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SOURCE OF FUNDS:

(1) State General Fund	1,114,316
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Total Court of Criminal Appeals .	1,114,316	<u>1,114,316</u>
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In addition to the above appropriation, there is hereby appropriated \$31,328 to the Court of Criminal Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

3. Judicial Inquiry Commission:

(a) Administrative Services Program	73,771
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SOURCE OF FUNDS:

(1) State General Fund	73,771
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Total Judicial Inquiry Commission	73,771	<u>73,771</u>
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4. Judicial Retirement System:

(a) Retirement Systems Program	1,053,000
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SOURCE OF FUNDS:

(1) State General Fund	1,053,000
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Total Judicial Retirement System	1,053,000	<u>1,053,000</u>
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5. Supreme Court:

(a) Court Operations Program . .	2,985,467
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SOURCE OF FUNDS:

(1) State General Fund	2,971,467
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(2) Federal, Local and Miscellaneous Funds	14,000	
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Total Supreme Court	2,971,467	<u>14,000</u>	<u>2,985,467</u>
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In addition to the above appropriation, there is hereby appropriated \$55,105 to the Supreme Court to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program ..	43,245,236
(b) Administrative Services Program	3,585,072

SOURCE OF FUNDS:

(1) State General Fund	46,830,308	
Total Unified Judicial System ...	46,830,308	<u>46,830,308</u>

In addition to the above appropriation, there is hereby appropriated \$2,174,632 to the Unified Judicial System to be conditioned on the availability of funds in the State General Fund and upon approval of the Governor.

C. EXECUTIVE

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program	1,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	<u>1,000</u>	
Total Alabama Academy of Honor	<u>1,000</u>	<u>1,000</u>

2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program	187,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	187,000
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As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.

In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	<u>187,000</u>	<u>187,000</u>
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3. Adjustment, Board of:

(a) Special Services Program 165,000

SOURCE OF FUNDS:

(1) State General Fund for the
General Fund Contribution to
the total expenditure of \$350,000
pursuant to Title 41, Chapter 9,
Section 73, 1975 Code of Ala-
bama 15,000

(2) State General Fund for expen-
ditures as provided in Title 31,
Chapter 3 and Title 36, Chapter
30, Article 1, 1975 Code of Ala-
bama, Estimated 150,000

Total Board of Adjustment 165,000 165,000

4. Aeronautics, Department of:

(a) Airport Development and
Aeronautical Support Program 625,387

The appropriation to the Depart-
ment of Aeronautics shall in-
clude a transfer to the State Per-
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Airport Development Fund .. 625,387

As provided by Title 4, Chapter 2,
Section 42, 1975 Code of Ala-
bama

Total Department of Aeronautics 625,387 625,387

5. Aging, Commission on:

(a) Planning and Advocacy for El-
derly Program 13,475,247

The appropriation to the Commis-
sion on Aging shall include a
transfer to the State Personnel
Department of \$852.

(b) Retired Senior Volunteer Pro-
gram 339,000

In addition to the programs currently funded by the funds allocated to the Retired Senior Citizens Volunteer Programs, the following programs will receive the same pro rata share of the total appropriation as received by the Retired Senior Citizens Volunteer Programs: Foster Grandparent Program-Decatur; Foster Grandparent Program-Birmingham; Foster Grandparent Program-Russellville; Foster Grandparent Program-Mobile; and the Senior Companion Program-Mobile.

SOURCE OF FUNDS:

(1) State General Fund Transfer 1,117,864

(2) Federal, Local and Miscellaneous Funds		<u>12,696,383</u>	
Total Commission on Aging	<u>1,117,864</u>	<u>12,696,383</u>	<u>13,814,247</u>

6. Agricultural Center Board:

(a) Agricultural Development Services Program			577,040
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$692.

SOURCE OF FUNDS:

(1) State General Fund	120,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund Transfer	308,840		
(3) Livestock Coliseum Fund		<u>148,200</u>	
Total Agricultural Center Board .	<u>428,840</u>	<u>148,200</u>	<u>577,040</u>

7. Agricultural and Industrial Exhibit Commission, Alabama:

(a) Agricultural Development Services Program			31,428
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SOURCE OF FUNDS:

(1) State General Fund	<u>31,428</u>		
Total Alabama Agricultural and Industrial Exhibit Commission	<u>31,428</u>		<u>31,428</u>

8. Agriculture and Industries, Department of:

(a) Administrative Services Program			1,131,743
(b) Agricultural Inspection Services Program			10,104,143
(c) Laboratory Analysis and Disease Control Program			3,420,097
(d) Agricultural Development Services Program			636,006

The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$22,897.

SOURCE OF FUNDS:

(1) State General Fund Transfer	6,817,139		
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(2) Federal, Local and Miscellaneous Funds	2,167,180
(3) Shipping Point Inspection Fund	4,207,020

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	2,100,650		
Total Department of Agriculture and Industries	6,817,139	8,474,850	15,291,989

In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Department of Agriculture and Industries for Capital Outlay for the Farmer's Market in Montgomery to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program	26,536,720
(b) Licensing, Regulation and Enforcement Program	5,742,662
(c) Administrative Services Program	4,090,728

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$61,344, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	36,370,110
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal

period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county of municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	36,370,110	<u>36,370,110</u>
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10. Architects Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program	111,300
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$106.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975	<u>111,300</u>
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Total Board for Registration of Architects	<u>111,300</u>	<u>111,300</u>
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11. Archives and History:

(a) Historical Resources Management Program	1,027,322
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SOURCE OF FUNDS:

(1) State General Fund	1,012,322	
(2) Federal, Local and Miscellaneous Funds	<u>15,000</u>	
Total Archives and History	<u>1,012,322</u>	<u>1,027,322</u>

12. Attorney General, Office of the:

(a) Legal Advice and Legal Services Program	4,858,336
(b) Fair Marketing Practices Program	382,590

SOURCE OF FUNDS:

(1) State General Fund	3,927,995	
(2) Transfer from Pensions and Security		622,609

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(3) Federal, Local and Miscellaneous Funds		<u>690,322</u>	
Total Office of the Attorney General	<u>3,927,995</u>	<u>1,312,931</u>	<u>5,240,926</u>

In addition to the above appropriation, there is hereby appropriated \$14,136 to the Attorney General's Office to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

13. Auditor, State:

(a) Fiscal Management Program	762,157
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SOURCE OF FUNDS:

(1) State General Fund	<u>762,157</u>	
Total State Auditor	<u>762,157</u>	<u>762,157</u>

14. Banking Department, State:

(a) Charter, License, and Regulate Financial Institutions Program	2,156,850
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The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,449.

SOURCE OF FUNDS:

(1) Banking Assessment Fees ...	1,682,338	
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.		
(2) Bureau of Credit Unions	197,267	
As provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama.		
(3) Loan Examination Fund	277,245	
As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.		
Total State Banking Department	<u>2,156,850</u>	<u>2,156,850</u>

15. Bar Association, Alabama State:

(a) Professional and Occupational Licensing and Regulation Program	716,385
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SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama	<u>716,385</u>
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Total Alabama State Bar Association		<u>716,385</u>	<u>716,385</u>
16. Bear Creek Development Authority:			
(a) Water Resource Development Program			192,918
SOURCE OF FUNDS:			
(1) State General Fund	26,093		
(2) Federal, Local and Miscellaneous Funds		<u>166,825</u>	
Total Bear Creek Development Authority	<u>26,093</u>	<u>166,825</u>	<u>192,918</u>
17. Brierfield Ironworks Park:			
(a) Outdoor Recreation Sites and Services Program			102,597
SOURCE OF FUNDS:			
(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		<u>77,597</u>	
Total Brierfield Ironworks Park ..	<u>25,000</u>	<u>77,597</u>	<u>102,597</u>
18. Building Commission:			
(a) Special Services Program			846,585
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$373.			
SOURCE OF FUNDS:			
(1) State General Fund	252,383		
(2) Federal, Local and Miscellaneous Funds		<u>594,202</u>	
Total Building Commission	<u>252,383</u>	<u>594,202</u>	<u>846,585</u>
19. Cahaba—Advisory Committee:			
(a) Historical Resources Management Program			25,000
SOURCE OF FUNDS:			
(1) State General Fund	<u>25,000</u>		
Total Cahaba Advisory Committee	<u>25,000</u>		<u>25,000</u>

In addition to the above appropriation there is hereby appropriated \$250,000 to the Cahaba—Advisory Committee for capital outlay to be conditional upon the

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availability of funds in the State General Fund and upon the approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program	31,500
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2, and 3, 1975 Code of Alabama	31,500
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Total Alabama State Board of Chiropractic Examiners	31,500	31,500
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21. Civil Defense, Department of:

(a) Readiness and Recovery Program	2,366,609
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund	567,962		
(2) Federal, Local and Miscellaneous Funds		1,798,647	
Total Department of Civil Defense	567,962	1,798,647	2,366,609

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program	704,500
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	48,500		
(2) Federal, Local and Miscellaneous Funds		656,000	
Total Alabama Coastal Area Board	48,500	656,000	704,500

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game Program	11,633,496
(b) State Land Management Program	544,206

(c) Outdoor Recreation Sites and Services Program	13,074,886
(d) Administrative Services Program	2,186,038
(e) Marine Police Management Program	1,700,000
(f) Marine Resources Management Program	1,302,308

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$29,926.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,100,000	
(2) Game and Fish Fund		11,533,496
(3) State Lands Fund		544,206

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	1,302,308
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund	1,700,000
(6) State Parks Fund	10,674,886

The appropriation to the Department of Conservation and Natural Resources shall include such

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funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

(7) Administrative Funds 2,186,038

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax 400,000

Total Department of Conservation and Natural Resources	<u>2,100,000</u>	<u>28,340,934</u>	<u>30,440,934</u>
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In addition to the above appropriation there is hereby appropriated \$350,000 to Frank Jackson Park to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

In addition to the above appropriation there is hereby appropriated \$500,000 for the purchase and development of Camp Cosby property for a state park in Jefferson County to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

24. Contractors, State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program 228,902

The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$319.

SOURCE OF FUNDS:

(1) State Licensing Board of General Contractors Fund 228,902

Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant

Total State Licensing Board for General Contractors	<u>228,902</u>	<u>228,902</u>
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ... 10,311,811

(b) Institutional Services Corrections Program	61,646,545
(c) Correctional Industries Program	6,862,533

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Dept. of \$68,053.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	73,352,839
(2) Federal, Local and Miscellaneous Funds	1,968,050
(3) Board of Corrections Fund ...	3,500,000

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections	<u>73,352,839</u>	<u>5,468,050</u>	<u>78,820,889</u>
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In addition to the above appropriation there is hereby appropriated \$5,000,000 to the Board of Corrections to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	384,500
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$479.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	384,500
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As provided in Title 34, Chapter 7, 1975 Code of Alabama.

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Total Alabama Board of Cosmetology	384,500	384,500	
27. Counseling, Alabama Board of Examiners In:			
(a) Professional and Occupational Licensing and Regulation Program		22,000	
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners in Counseling Fund	22,000		
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Counseling	22,000	22,000	
28. Criminal Justice Information System, Alabama:			
(a) Criminal Justice Information Services Program		2,778,248	
The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,662.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,294,648		
(2) Federal, Local and Miscellaneous Funds	483,600		
Total Alabama Criminal Justice Information System	2,294,648	483,600	2,778,248
29. Dairy Commission, Alabama:			
(a) Regulatory Services Program		369,400	
The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Dept. of \$532.			
SOURCE OF FUNDS:			
(1) Alabama Dairy Commission Fund	369,400		
As provided in Title 2, Chapter 13, 1975 Code of Alabama.			
Total Alabama Dairy Commission	369,400	369,400	
30. Development Office, Alabama:			
(a) Industrial Development Program		2,559,000	

(b) Administrative Services Program-Office of Minority Business	160,395
(c) Alabama Film Commission- Promotional Development Pro- gram	220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,757.

SOURCE OF FUNDS:

(1) State General Fund-Transfer Alabama Development Office ..	2,509,000		
(2) State General Fund-Transfer Office of Minority Business ...	100,000		
(3) State General Fund-Transfer Alabama Film Commission ...	220,000		
(4) Federal, Local and Miscellane- ous Funds		110,395	
Total Alabama Development Of- fice	2,829,000	110,395	2,939,395

31. District Attorneys:

(a) Court Operations Program ..	8,131,568
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The proposed spending plan in-
cluded in the above total is as fol-
lows:

Salaries of District Attor-
neys 1,579,760

Salary of elected Deputy District
Attorney of the Bessemer Divi-
sion of the 10th Judicial Cir-
cuit 39,303

For use of the Elected Assistant
District Attorney of the Bes-
semer Division of the 10th Judi-
cial Circuit 101,310

Salaries and expenses of Super-
numerary District Attor-
neys 669,811

For use in the District Attorney's
Office of the 1st Judicial Cir-
cuit 87,367

For use in the District Attorney's
Office of the 2nd Cir-
cuit 74,675

For use in the District Attorney's
Office of the 3rd Judicial Cir-
cuit 117,548

For use in the District Attorney's Office in the 4th Judicial Cir- cuit	329,606
For use in the District Attorney's Office of the 5th Judicial Cir- cuit	274,842
For use in the District Attorney's Office of the 6th Judicial Cir- cuit	239,993
For use in the District Attorney's Office of the 7th Judicial Cir- cuit	142,743
For use in the District Attorney's Office of the 8th Judicial Cir- cuit	114,746
For use in the District Attorney's Office of the 9th Judicial Cir- cuit	108,676
For use in the District Attorney's Office of the 10th Judicial Cir- cuit	368,687
For use in the District Attorney's Office of the 11th Judicial Cir- cuit	94,375
For use in the District Attorney's Office of the 12th Judicial Cir- cuit	201,354
For use in the District Attorney's Office of the 13th Judicial Cir- cuit	354,021
For use in the District Attorney's Office of the 14th Judicial Cir- cuit	99,456
For use in the District Attorney's Office of the 15th Judicial Cir- cuit	351,306
For use in the District Attorney's Office of the 16th Judicial Cir- cuit	159,900
For use in the District Attorney's Office of the 17th Judicial Cir- cuit	60,639
For use in the District Attorney's Office of the 18th Judicial Cir- cuit	176,804
For use in the District Attorney's Office of the 19th Judicial Cir- cuit	104,964

For use in the District Attorney's Office of the 20th Judicial Cir- cuit	153,861
For use in the District Attorney's Office of the 21st Judicial Cir- cuit	117,291
For use in the District Attorney's Office of the 22nd Judicial Cir- cuit	99,528
For use in the District Attorney's Office of the 23rd Judicial Cir- cuit	257,953
For use in the District Attorney's Office of the 24th Judicial Cir- cuit	93,288
For use in the District Attorney's Office of the 25th Judicial Cir- cuit	88,607
For use in the District Attorney's Office of the 26th Judicial Cir- cuit	156,368
For use in the District Attorney's Office of the 27th Judicial Cir- cuit	118,735
For use in the District Attorney's Office of the 28th Judicial Cir- cuit	114,405
For use in the District Attorney's Office of the 29th Judicial Cir- cuit	150,000
For use in the District Attorney's Office of the 30th Judicial Cir- cuit	150,939
For use in the District Attorney's Office of the 31st Judicial Cir- cuit	91,500
For use in the District Attorney's Office of the 32nd Judicial Cir- cuit	90,213
For use in the District Attorney's Office of the 33rd Judicial Cir- cuit	84,746
For use in the District Attorney's Office of the 34th Judicial Cir- cuit	45,331
For use in the District Attorney's Office of the 35th Judicial Cir- cuit	61,521
For use in the District Attorney's Office of the 36th Judicial Cir- cuit	75,129

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For use in the District Attorney's
Office of the 37th Judicial Cir-
cuit 100,353

For use in the District Attorney's
Office of the 38th Judicial Cir-
cuit 113,991

For use in the District Attorney's
Office of the 39th Judicial Cir-
cuit 40,923

Appropriations of Salaries of Per-
sonnel Established by Statute
are estimated.

Travel Expense of District Attor-
neys 75,000
8,131,568

SOURCE OF FUNDS:

(1) State General Fund 8,131,568

Total District Attorneys 8,131,568 8,131,568

In addition to the above appropria-
tion, there is hereby appropri-
ated \$458,408 to the District At-
torneys to be conditioned on the
availability of funds in the State
General Fund and upon approval
of the Governor.

32. Energy, Department of:

(a) Energy Management Program 6,025,612

The appropriation to the Depart-
ment of Energy shall include a
transfer to the State Personnel
Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 625,612

(2) Federal, Local and Miscellane-
ous Funds 5,400,000

Total Department of Energy 625,612 5,400,000 6,025,612

33. Engineers and Land Sur-
veyors, State Board of Registra-
tion for Professional:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 251,229

The appropriation to the State
Board of Registration for Profes-
sional Engineers and Land Sur-
veyors shall include a transfer to
the State Personnel Department
of \$266.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund	251,229		
As provided in Title 34, Chapter 11, 1975 Code of Alabama, as amended and Act No. 1049 1975 Regular Session.			
Total State Board of Registration for Professional Engineers and Land Surveyors	<u>251,229</u>		<u>251,229</u>
34. Ethics Commission, Alabama:			
(a) Regulation of Public Officials and Employees Program			233,024
SOURCE OF FUNDS:			
(1) State General Fund	<u>233,024</u>		
Total Alabama Ethics Commission	<u>233,024</u>		<u>233,024</u>
35. Farmers' Market Authority:			
(a) Agricultural Development Services Program			166,672
SOURCE OF FUNDS:			
(1) State General Fund-Transfer For Administration	86,672		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		<u>80,000</u>	
Total Farmers' Market Authority	<u>86,672</u>	<u>80,000</u>	<u>166,672</u>
In addition to the above appropriation there is hereby appropriated \$250,000 to the Farmers' Market Authority for Capital Outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.			
36. Finance, Department of:			
(a) Fiscal Management Program			2,757,546
(b) Administrative Support Services Program			4,323,405
SOURCE OF FUNDS:			
(1) State General Fund	<u>7,080,951</u>		
Total Department of Finance	<u>7,080,951</u>		<u>7,080,951</u>
37. Finance, Department of-Air Transportation Division:			

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(a) Administrative Support Services Program	2,050,308
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,000,000			
(2) Departmental Receipts		50,308		
Total Department of Finance-Air Transportation Division	2,000,000	50,308		2,050,308

38. Foreign Trade Relations Commission:

(a) Special Services Program	100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000			
Total Foreign Trade Relations Commission	100,000			100,000

39. Forensic Sciences, Department of:

(a) Forensic Science Services Program	3,883,717
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The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) State General Fund	3,833,217			
(2) Federal, Local and Miscellaneous Funds		50,500		
Total Department of Forensic Sciences	3,833,217	50,500		3,883,717

In addition to the above appropriation there is hereby appropriated \$350,000 to the Department of Forensic Sciences to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

40. Foresters, Alabama State Board of Registration For:

(a) Professional and Occupational Licensing and Regulation Program	17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund.	17,900
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As provided in Title 34, Chapter 12, 1975 Code of Alabama.

Total Alabama State Board of Registration for Foresters	17,900	17,900
41. Forestry Commission, Alabama:		
(a) Forest Resource Protection Program		10,002,268
(b) Forest Resource Management and Development Program		2,124,639
(c) Education and Information Program		512,560
(d) Administrative Services Program		1,730,364

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$24,495.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	8,699,521	
(2) Federal and Local Funds		2,300,700
(3) Forestry Commission Fund ..		3,369,610

It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such excess receipts are hereby appropriated.

Of the above appropriation \$400,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	8,699,521	5,670,310	14,369,831
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Alabama Forestry Commission to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor. Of such conditional appropriation released, twenty-five percent (25%) shall be expended by the Alabama Forestry Commission for Rural and Community Fire Protection.

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Of the \$2,000,000 conditional appropriation to the Alabama Forestry Commission, \$250,000 shall go to the Washington County Forestry Commission and \$250,000 shall go to the Mobile County Forestry Commission.

42. Fort Morgan—Alabama Historical Commission:

(a) Historical Resources Management Program	625,547
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SOURCE OF FUNDS:

(1) State General Fund	125,547	
(2) Federal, Local and Miscellaneous Funds		500,000
Total Alabama Historical Commission-Fort Morgan	125,547	500,000
		625,547

In addition to the above appropriation there is hereby appropriated \$500,000 to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

43. Funeral Services, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	91,500
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	91,500
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As provided in Title 34, Chapter 13, 1975 Code of Alabama.

Total Alabama Board of Funeral Services	91,500	91,500
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44. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program	2,508,878
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,940.

SOURCE OF FUNDS:

(1) State General Fund	1,388,724
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(2) Federal, Local and Miscellaneous Funds		<u>1,120,154</u>	
Total Geological Survey	<u>1,388,724</u>	<u>1,120,154</u>	<u>2,508,878</u>
45. Gorgas Memorial Board:			
(a) Historical Resources Management Program			11,200
SOURCE OF FUNDS:			
(1) State General Fund	9,700		
As provided in Title 41, Chapter 9, Section 220 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		<u>1,500</u>	
Total Gorgas Memorial Board ...	<u>9,700</u>	<u>1,500</u>	<u>11,200</u>
46. Governor's Office:			
(a) Executive Direction Program			1,378,230
SOURCE OF FUNDS:			
(1) State General Fund	<u>1,378,230</u>		
Total Governor's Office	<u>1,378,230</u>		<u>1,378,230</u>
47. Governor's Office—Legal:			
(a) Executive Direction Program			120,000
SOURCE OF FUNDS:			
(1) State General Fund	<u>120,000</u>		
Total Governor's Office—Legal ...	<u>120,000</u>		<u>120,000</u>
48. Governor's Contingency Fund:			
(a) Executive Direction Program			352,200
SOURCE OF FUNDS:			
(1) State General Fund	<u>352,200</u>		
Total Governor's Contingency Fund	<u>352,200</u>		<u>352,200</u>
49. Governor's Mansion:			
(a) Executive Direction Program			209,271
SOURCE OF FUNDS:			
(1) State General Fund	<u>209,271</u>		
Total Governor's Mansion	<u>209,271</u>		<u>209,271</u>
50. Governor's Mansion Advisory Board:			
(a) Executive Direction Program			10,000

SOURCE OF FUNDS:

(1) State General Fund	10,000	
Total Governor's Mansion Advisory Board	10,000	10,000

51. Health, Department of Public:

(a) Administrative Services Program	3,874,716
(b) Health Support Services Program	38,135,071

Of this amount, \$7,738,688 shall go to the local health departments with each of the 67 departments receiving a base of \$40,000 and the remaining amount distributed equally on a per capita basis, based on the 1980 census.

(c) Personal Health Improvement Program	36,234,375
(d) Environmental Health Improvement Program	8,841,115
(e) Special Services Program	2,757,553
(f) Health Planning, Development and Regulation Program	1,481,107

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$102,932.

SOURCE OF FUNDS:

(1) State General Fund	20,474,365	
(2) Cigarette Tax-\$.01		1,900,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(3) Cigarette Tax-\$.02		2,200,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(4) Vital Statistics Fund	1,049,749	
(5) Hospital Licensing Fund	205,700	
(6) Emergency Medical Services Fund		30,000
As provided in Title 22, Chapter 18, Sections 1-7, 1975 Code of Alabama.		
(7) Local Health Departments ...	24,951,684	

(8) Air Pollution Fines	30,000
(9) Nuclear Monitoring Fund ...	20,000
(10) Miscellaneous Funds	2,936,438
(11) Federal Funds	37,526,001

A total of \$325,000 of the federal funds shall be used for the Biomedical Sciences Program of the University of Alabama in Birmingham.

Total Department of Public Health	<u>20,474,365</u>	<u>70,849,572</u>	<u>91,323,937</u>
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In addition to the above appropriation there is hereby appropriated \$215,000 to the Department of Public Health for the Mobile Branch Laboratory and \$38,000 to the State Virology Laboratory in Jefferson County located at the University of Alabama Medical Center to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriation to the Dept. of Public Health, there is hereby appropriated \$1,000,000 to the Personal Health Improvement Program for maternal and child health care to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

52. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program	954,270
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The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	278,741		
(2) Federal, Local and Miscellaneous Funds		<u>675,529</u>	
Total State Health Planning and Development Agency	<u>278,741</u>	<u>675,529</u>	<u>954,270</u>

53. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	23,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund	23,000
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As provided in Title 34, Chapter 14,
Articles 1 and 2, 1975 Code of
Alabama.

Total Alabama Board of Hearing Aid Dealers	23,000	23,000
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54. Highway Department:

(a) Central Administration Pro- gram	7,693,436
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(b) Division and District Supervi- sion Program	14,686,325
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(c) Operations & Support Services Program	6,050,711
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(d) Maintenance Program	65,804,608
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(e) Non-Programmatic Expendi- tures	95,157,645
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Proposed Spending Plan for the
above (e) includes the following:

Debt Service	94,786,663
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Equipment-Other than Automo- tive	370,982
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(f) Construction-Federal Aid Pro- gram	214,609,000
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Proposed Spending Plan for the
above (f) includes the following:

Federal Aid Matching	31,041,000
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Non-Participating Work on Fed- eral Aid Projects	1,000,000
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Federal Aid	182,568,000
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(g) Construction-State Program .	4,434,907
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(h) Operations-Land and Building	706,800
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The appropriation to the Highway
Department shall include a
transfer to the State Personnel
Department of \$183,819.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	75,000
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(2) Public Road and Bridge Fund	176,470,432
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(3) Federal Aid	232,598,000
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There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$94,786,663 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in said Sections in such order and with such priorities in the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	409,068,432	409,143,432
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55. Highway and Traffic Safety, Office of:

(a) Traffic Control and Accident Prevention Program		2,349,828
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The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	64,524		
(2) Federal Funds		2,285,304	
Total Office of Highway and Traffic Safety	64,524	2,285,304	2,349,828

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56. Historic Chattahoochee Commission:

(a) Historical Resources Management Program	113,305
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	64,505		
(2) Federal, Local and Miscellaneous Funds		48,800	
Total Historic Chatahoochee Commission	64,505	48,800	113,305

57. Historical Commission, Alabama:

(a) Historical Resources Management Program	1,491,226
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$1,704.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	436,330		
(2) Federal, Local and Miscellaneous Funds		1,054,896	
Total Alabama Historical Commission	436,330	1,054,896	1,491,226

58. Industrial Relations, Department of

(a) Skills Enhancement and Employment Opportunities Program	16,015,336
(b) Unemployment Compensation Program	26,531,551
(c) Administrative Services Program	7,431,843
(d) Industrial Safety and Accident Prevention Program	5,581,836

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$105,328.

SOURCE OF FUNDS:

(1) State General Fund	877,523		
(2) Federal, Local and Miscellaneous Funds		54,683,043	

Total Department of Industrial Relations	877,523	54,683,043	55,560,566
59. Insurance Board, State Employees':			
(a) Administrative Support Services Program			85,012
SOURCE OF FUNDS:			
(1) State General Fund	85,012		
Total State Employees' Insurance Board	85,012		85,012
60. Insurance, Department of:			
(a) Regulatory Services Program			2,439,896
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,088.			
SOURCE OF FUNDS:			
(1) State General Fund	1,259,670		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Alabama		970,300	
(3) Fire Marshals' Fund		209,926	
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.			
Total Department of Insurance ..	1,259,670	1,180,226	2,439,896
61. Labor, Department of:			
(a) Regulatory Services Program			330,148
SOURCE OF FUNDS:			
(1) State General Fund	295,148		
(2) Federal, Local and Miscellaneous Funds		35,000	
Total Department of Labor	295,148	35,000	330,148
62. LaGrange Historical Site—Alabama Historical Commission:			
(a) Historical Resources Management Program			6,126

SOURCE OF FUNDS:

(1) State General Fund	2,076		
As provided in Title 41, Chapter 9, Section 270, 1975 Code of Ala- bama.			
(2) Federal and Local Funds		<u>4,050</u>	
Total Alabama Historical Com- mission-LaGrange Historical Site	<u>2,076</u>	<u>4,050</u>	<u>6,126</u>

63. Landscape Architects, Board of
Examiners of:

(a) Professional and Occupational Licensing and Regulation Pro- gram			7,675
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SOURCE OF FUNDS:

(1) Landscape Architects Fund ..		7,675	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Land- scape Architects		<u>7,675</u>	<u>7,675</u>

64. Law Enforcement Planning
Agency, Alabama:

(a) Law Enforcement Planning and Development Program			3,427,990
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The appropriation to the Alabama
Law Enforcement Planning
Agency shall include a transfer
to the State Personnel Depart-
ment of \$958.

SOURCE OF FUNDS:

(1) State General Fund-Transfer for Matching Federal Funds ...	224,145		
(2) Federal, Local and Miscellane- ous Funds		<u>3,203,845</u>	
Total Alabama Law Enforcement Planning Agency	<u>224,145</u>	<u>3,203,845</u>	<u>3,427,990</u>

65. Liquefied Petroleum Gas
Board:

(a) Regulatory Services Program		201,900	
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The appropriation to the Liquefied
Petroleum Gas Board shall in-
clude a transfer to the State Per-
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	201,900	
Total Liquefied Petroleum Gas Board	201,900	201,900

66. Medicaid Agency, Alabama:

(a) Medical Assistance through Medicaid Program	384,720,625
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The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$11,182.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	81,600,000		
(2) Transfer-Pensions & Security		1,064,400	
(3) Transfer from Mental Health		30,851,625	
(4) Federal, Local and Miscellaneous Funds		271,204,600	
Total Alabama Medicaid Agency	81,600,000	303,120,625	384,720,625

In addition to the above appropriation there is hereby appropriated \$11,400,000 to the Alabama Medicaid Agency to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

67. Mental Health, Department of:

(a) Institutional Treatment and Care-Mental Illness Program ..	71,452,865
(b) Institutional Treatment and Care-Mental Retardation Program	57,942,594
(c) Institutional Treatment and Care-Criminally Insane Program	3,390,349
(d) Non-Institutional Treatment and Care Program	33,801,263
(Of this amount, \$14,375,961 shall be used for Community Programs.)	
(e) Administrative Services Program	3,782,197

The appropriation to the Department of Mental Health shall include a transfer to the State of Personnel Department of \$256,665.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund	97,118,850
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For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at Alabama State Hospitals.

(2) Special Mental Health Trust Fund-Community Programs ...	14,477,283
(3) Transfer from ABC Profits ..	1,000,000
(4) Cigarette Tax-\$.01	930,000
(5) Cigarette Tax-\$.02	4,825,000
(6) Federal, Local and Miscellaneous Funds	<u>52,018,135</u>

Total Department of Mental Health	<u>170,369,268</u>	<u>170,369,268</u>
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In addition to the above appropriation there is hereby appropriated \$16,026,525 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$5,659,265 to the Department of Mental Health to be conditional on the availability of funds enumerated in the Sources of Funds numbered one (1) through five (5) above on lines sixteen (16) through thirty (30) and upon the approval of the Governor.

68. Military Department:

(a) Military Operations Program	4,791,032
(b) Capital Outlay	902,997

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,404,532
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,031,000

(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	902,997	
(4) State General Fund-Active Military Service	130,628	
(5) State General Fund-Transfer to Armory Commission	2,214,872	
(6) State General Fund-Dropping Allowance	<u>10,000</u>	
Total Military Department	<u>5,694,029</u>	<u>5,694,029</u>

69. Armory Commission of Alabama:

(a) Military Operations Program	3,334,548
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,214,872
(2) Federal, Local and Miscellaneous Funds	1,119,676

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	<u>3,334,548</u>	<u>3,334,548</u>
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70. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program	31,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	31,000	
As provided in Title 34, Chapter 20, 1975 Code of Alabama.		
Total Board of Examiners of Nursing Home Administrators	31,000	31,000
71. Oil and Gas Board:		
(a) Management and Regulation of Oil and Gas Exploration and Development Program		1,330,934

SOURCE OF FUNDS:

(1) State General Fund	1,330,934	
Total Oil and Gas Board	1,330,934	<u>1,330,934</u>

72. Pardons and Parole, Board of:

(a) Administration of Pardons and Paroles Program	7,751,740
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The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel Department of \$10,171.

SOURCE OF FUNDS:

(1) State General Fund	6,383,913	
(2) Probationers Upkeep Fund ..	1,263,488	
(3) Federal, Local and Miscellaneous Funds	<u>104,339</u>	
Total Board of Pardons and Parole	<u>6,383,913</u>	<u>1,367,827</u>
		<u>7,751,740</u>

73. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program	188,800
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama	<u>188,800</u>	
Total Alabama Peace Officers' Annuity and Benefit Fund	<u>188,800</u>	<u>188,800</u>

74. Pensions and Security:

(a) Economic Assistance Program	154,452,009
(b) Social Services Program	83,007,087

Of the above appropriation, foster parents shall receive monthly payments for the care of children at the following rates based on the ages of the

children: 0-2 years, \$153; 3-5 years, \$162; 6-12 years, \$171; and 13 years and over, \$180.

Of the above appropriation, at least \$10,000,000 shall be dedicated to the foster care program.

The appropriations to Pensions and Security shall include a transfer to the State Personnel Department of \$217,952.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,419,336	
(2) Federal, Local and Miscellaneous Funds		162,356,334
(3) ABC Profits		1,931,457
(4) Whiskey Tax		19,560,705
(5) Beer Tax		7,597,000
(6) Pension Residue		8,990,000
(7) Sales Tax		1,322,000
(8) Franchise Tax		9,720,000
(9) Contracts, Service Fees		200,000
(10) Child Support Collections ..		1,900,000
(11) Sales Tax for Food Stamps ..		14,000,000
(12) Cigarette Tax		4,200,000
(13) Contractor's Gross Receipts Tax		3,260,164
(14) Pension Fund		<u>2,100</u>
Total Pensions and Security	<u>2,419,336</u>	<u>235,039,760</u> <u>237,459,096</u>

In addition to the above appropriation, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds enumerated in the Sources of Funds numbered three (3) through fourteen (14) above on lines ten (10) through twenty-one (21) and upon the approval of the Governor.

In the event of the passage of Senate Bill 24 or its companion House Bill 67 of the 1982 Regular Session, the Governor is authorized to release sufficient funds from the above conditional appropriations to provide child restraints to foster parents.

75. Personnel Department, State:

(a) Administrative Support Program	1,466,333
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	131,847
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(2) Transfer from Department of Aeronautics	266
(3) Transfer from Commission on Aging	852
(4) Transfer from Agriculture and Industries	22,897
(5) Transfer from Agricultural Center Board	692
(6) Transfer from Alcoholic Beverages Control Board	61,344
(7) Transfer from Board of Registration of Architects	106
(8) Transfer from the State Arts Council	532
(9) Transfer from State Banking Department	2,449
(10) Transfer from Finance-Alabama Building Authority ..	1,917
(11) Transfer from Finance-Alabama Building Finance Authority	1,651
(12) Transfer from Building Commission	373
(13) Transfer from Civil Defense Department	1,438
(14) Transfer from Coastal Area Board	373
(15) Transfer from Conservation Department	29,926
(16) Transfer from State Licensing Board for General Contractors .	319
(17) Transfer from Board of Corrections	68,053
(18) Transfer from Board of Cosmetology	479
(19) Transfer from Criminal Justice Information Center	2,662
(20) Transfer from Alabama Dairy Commission	532
(21) Transfer from Alabama Development Office	1,757
(22) Transfer from State Dock ..	31,577
(23) Transfer from Education ...	72,952
(24) Transfer from Department of Energy	1,438

(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors . . .	266
(26) Transfer from Firefighters Personnel Standards and Education Commission	213
(27) Transfer from Department of Forensic Sciences	4,260
(28) Transfer from Forestry Commission	24,495
(29) Transfer from Geological Survey	3,940
(30) Transfer from Health Department	102,932
(31) Transfer from State Health Planning and Development Agency	1,384
(32) Transfer from Highway Department	183,819
(33) Transfer from Highway and Traffic Safety	532
(34) Transfer from Alabama Historical Commission	1,704
(35) Transfer from Industrial Relations	105,328
(36) Transfer from Insurance Department	3,088
(37) Transfer from Law Enforcement Planning Agency	958
(38) Transfer from Legislative Reference Service	1,118
(39) Transfer from Liquefied Petroleum Gas Board	266
(40) Transfer from Alabama Medicaid Agency	11,182
(41) Transfer from Department of Mental Health	256,665
(42) Transfer from Board of Nursing	639
(43) Transfer from Pardons and Parole Board	10,171
(44) Transfer from Peace Officers Standards and Training Commission	160
(45) Transfer from Pensions and Security	217,952

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(46) Transfer from Physical Fitness Commission	213		
(47) Transfer from Board of Physical Therapy	53		
(48) Transfer from Office of State Planning & Federal Programs .	3,088		
(49) Transfer from Public Library Service	3,088		
(50) Transfer from Public Service Commission	5,804		
(51) Transfer from Publicity and Information	3,195		
(52) Transfer from Alabama Public Television Network	4,260		
(53) Transfer from Real Estate Commission	852		
(54) Transfer from Retirement Systems	4,526		
(55) Transfer from Department of Revenue	53,303		
(56) Transfer from Board of Social Work Examiners	53		
(57) Transfer from Surface Mining Reclamation Commission	2,183		
(58) Transfer from Department of Youth Services	18,211		
Total State Personnel Department	131,847	1,334,486	1,466,333
76. Physical Therapy, Board of:			
(a) Professional and Occupational Licensing and Regulation Program			29,453
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$53.			
SOURCE OF FUNDS:			
(1) Physical Therapist Fund	29,453		
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.			
Total Board of Physical Therapy .	29,453	29,453	
77. Planning and Federal Programs, Office of State:			
(a) State Planning Program			37,017,286
(b) State Planning Program-Special Projects			500,000
(c) Special Services Program			5,500,000

(d) Regional Planning Commission Program	332,750
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The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,876,736		
(2) Federal, Local and Miscellaneous Funds		<u>40,473,300</u>	
Total Office of State Planning and Federal Programs	<u>2,876,736</u>	<u>40,473,300</u>	<u>43,350,036</u>

78. Polygraph Examiners, Board of:

(a) Professional and Occupational Licensing and Regulation Program	14,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	14,000	
provided in Title 34, Chapter 25, 1975 Code of Alabama as amended by Act No. 81-222.		
Total Board of Polygraph Examiners	<u>14,000</u>	<u>14,000</u>

79. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program	471,570
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SOURCE OF FUNDS:

(1) Office of Prosecution Services Fund	<u>471,570</u>	
Total Office of Prosecution Services	<u>471,570</u>	<u>471,570</u>

80. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program	22,700
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund	22,700	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Psychology	<u>22,700</u>	<u>22,700</u>

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81. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program	18,628,655
(b) Criminal Investigation Program	3,860,637
(c) Driver's Licensing and Improvement Program	7,526,958
(d) Public Safety Support Services Program	7,860,570
(e) Administrative Services Program	2,011,440
(f) Alabama Criminal Justice Training Center Program	1,653,346

SOURCE OF FUNDS:

(1) State General Fund	<u>41,541,606</u>	
Total Department of Public Safety	<u>41,541,606</u>	<u>41,541,606</u>

82. Public Service Commission:

(a) Administrative Services Program	820,000
(b) Regulatory Program	3,868,550

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$5,804.

SOURCE OF FUNDS:

(1) Public Service Commission Fund	4,688,550
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The above appropriations to the Alabama Public Services Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>4,688,550</u>	<u>4,688,550</u>
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83. Publicity and Information, Bureau of:

(a) Tourism and Travel Promotion Program	2,256,000
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,195.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	506,000
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Of this amount, \$6,000 is earmarked for the purpose of purchasing state flags to be distributed by the members of the legislature.

(2) Lodgings Tax (\$.01) 1,750,000

Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information	506,000	1,750,000	2,256,000
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84. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program	627,617
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$852.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated	627,617
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Total Alabama Real Estate Commission	627,617	627,617
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85. Revenue Department:

(a) State Revenue Administration Program	29,750,000
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The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$53,303.

SOURCE OF FUNDS:

(1) State General Fund-Transfer

As provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000
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(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama	398,242
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(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	310,041
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections	208,476
(5) Transfer from the gross proceeds of Gasoline Tax Collections	2,068,723
(6) Transfer from the Income Tax Collections	6,906,435
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,194,727
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	1,208,092
(9) Transfer from the Pension Fund as part of the Cost of collections of the 1-Mill Ad Valorem Tax	368,843
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	911,414
(11) Transfer from the gross proceeds of Sales Tax Collections ..	9,627,313
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	1,969,831
(13) Transfer from the gross proceeds of Use Tax Collections ..	940,815
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama	614,737
(15) Local Funds	2,772,311

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount herein above appropriated, there is hereby appropriated to the Department of

Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	250,000	29,500,000	<u>29,750,000</u>
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86. Revenue-Auto Title and Antitheft:

(a) State Revenue Administration Program			1,064,077
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>1,064,077</u>		
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Total Revenue-Auto Title and Antitheft	<u>1,064,077</u>		<u>1,064,077</u>
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87. Revenue-Boards of Equalization:

(a) State Revenue Administration Program			136,800
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SOURCE OF FUNDS:

(1) State General Fund	<u>136,800</u>		
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Total Revenue-Boards of Equalization	<u>136,800</u>		<u>136,800</u>
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88. Revenue-Motor Vehicle License:

(a) State Revenue Administration Program			2,145,200
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		<u>2,145,200</u>	
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Total Revenue-Motor Vehicle License		<u>2,145,200</u>	<u>2,145,200</u>
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89. Richmond P. Hobson Memorial Board-Alabama Historical Commission:

(a) Historical Resources Management Program			107,052
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SOURCE OF FUNDS:

(1) State General Fund-as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount	7,052		
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(2) Federal, Local and Miscellaneous Funds		<u>100,000</u>	
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Total Alabama Historical Commission-Richmond P. Hobson Memorial Board	7,052	100,000	107,052
90. Secretary of State:			
(a) Administrative Support Services Program			652,673
SOURCE OF FUNDS:			
(1) State General Fund	652,673		
Total Secretary of State	652,673		652,673
91. Securities Commission:			
(a) Regulatory Services Program			715,192
SOURCE OF FUNDS:			
(1) State General Fund	482,298		
(2) Industrial Development Bond Notification Fund		139,602	
(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		85,292	
Total Securities Commission	482,298	232,894	715,192
92. Social Work Examiners, Alabama State Board of:			
(a) Professional and Occupational Licensing and Regulation Program			45,667
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$53.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975, Code of Alabama		45,667	
Total Alabama State Board of Social Work Examiners		45,667	45,667
93. Soil and Water Conservation Committee Alabama State:			
(a) Water Resource Development Program			698,807
(b) Catfish Farming and Disease Control Methods			200,000
SOURCE OF FUNDS:			
(1) State General Fund	888,807		

(2) Federal, Local and Miscellaneous Funds		<u>10,000</u>	
Total Alabama State Soil and Water Conservation Committee	<u>888,807</u>	<u>10,000</u>	<u>898,807</u>
In addition to the above appropriation to the Soil and Water Conservation Committee there is hereby appropriated the amount of \$390,000 to accelerate the development of the fish farming industry in Alabama to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.			
94. Southern Growth Policies Board:			
(a) Special Services Program			25,300
SOURCE OF FUNDS:			
(1) State General Fund	<u>25,300</u>		
Total Southern Growth Policies Board	<u>25,300</u>		<u>25,300</u>
95. Space Science Exhibit Commission, Alabama:			
(a) Tourism and Travel Promotion Program			356,000
SOURCE OF FUNDS:			
(1) State General Fund Capital Outlay	<u>356,000</u>		
Total Alabama Space Science Exhibit Commission	<u>356,000</u>		<u>356,000</u>
96. Speech Pathology and Audiology, Alabama Board of Examiners for:			
(a) Professional and Occupational Licensing and Regulation Program			16,000
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama		<u>16,000</u>	
Total Alabama Board of Examiners for Speech Pathology and Audiology		<u>16,000</u>	<u>16,000</u>

97. Surface Mining Reclamation
Commission:

(a) Industrial Safety and Accident Prevention Program	2,816,283
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The appropriation to the Surface
Mining Reclamation Commis-
sion shall include a transfer to
the State Personnel Department
of \$2,183.

SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission	2,816,283
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Total Surface Mining Reclamation Commission	2,816,283	2,816,283
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98. Tannehill Historical State
Park:

(a) Historical Resources Manage- ment Program	597,700
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SOURCE OF FUNDS:

(1) State General Fund	250,000
(2) Federal, Local Miscellaneous Funds	347,700

Total Tannehill Historical State Park	250,000	347,700	597,700
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99. Tennessee-Tombigbee Water-
way Development Authority:

(a) Water Resource Development Program	476,339
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SOURCE OF FUNDS:

(1) State General Fund	165,000
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As provided in Title 33, Chapter 8,
1975 Code of Alabama as
amended.

(2) Federal, Local and Miscellane- ous Fund	311,339
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Total Tennessee-Tombigbee Waterway Development Author- ity	165,000	311,339	476,339
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100. Treasurer, State:

(a) Fiscal Management Program 1,314,002

SOURCE OF FUNDS:

(1) State General Fund 1,314,002

Total State Treasurer 1,314,002 1,314,002

In addition to the above appropriation to the State Treasurer, there is hereby appropriated \$100,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

101. Uniform State Laws, Commission on:

(a) Special Services Program 4,147

SOURCE OF FUNDS:

(1) State General Fund 4,147

As Provided in Title 41, Chapter 9,
Article 12, 1975 Code of Alabama.

Total Commission on Uniform
State Laws 4,147 4,147

102. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program 2,640,610

SOURCE OF FUNDS:

(1) State General Fund 2,640,610

Total Department of Veterans Affairs 2,640,610 2,640,610

103. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program 30,000

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund 30,000

As provided in Title 34, Chapter 29,
1975 Code of Alabama.

Total Alabama State Board of Veterinary Medical Examiners ... 30,000 30,000

104. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational Licensing and Regulation Program 15,954

SOURCE OF FUNDS:

(1) Operators and Certification Fund	15,954	
As provided in Title 22, Chapter 25, 1975 Code of Alabama.		
Total Board of Certification for Water & Waste Systems Personnel	15,954	15,954

105. Water Well Standards Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Program		41,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund	41,000	
As provided in Title 22, Chapter 24, 1975 Code of Alabama.		
Total Alabama Water Well Standards Board	41,000	41,000

106. Women's Commission, Alabama:

(a) Employment and Social Opportunities Program		9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000	
Total Alabama Women's Commission	9,000	9,000

107. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program		6,000
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SOURCE OF FUNDS:

(1) State General Fund	6,000	
Total Alabama Women's Hall of Fame	6,000	6,000

112. State Department of Education:

(a) Cystic Fibrosis Treatment Program-All age groups included		270,000
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SOURCE OF FUNDS:

(1) State General Fund	270,000	
Total State Dept. of Education ..	270,000	270,000

In addition to the above appropriation, there is hereby appropriated \$2,494,131 to be conditional upon the availability of funds in the State General Fund and the approval of the Governor and to be distributed by the State Department of Education for library instructional materials to all public elementary and secondary schools and all two-year post-secondary institutions under jurisdiction of the State Board of Education by an equal amount per student enrolled.

113. Department of Youth Services:

(a) Youth Services Program	10,739,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) State General Fund	9,659,265		
(2) Federal and Local Funds . . .		<u>1,080,548</u>	
Total Department of Youth Services	<u>9,659,265</u>	<u>1,080,548</u>	<u>10,739,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.) In addition to the above appropriation, \$2,500,000 is hereby appropriated from the State General Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of Governor.

D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE GENERAL FUND:

1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated	70,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>70,000</u>	
Total Advertising Lands for Tax Sale	<u>70,000</u>	<u>70,000</u>

2. Arrest of Absconding Felons:

(a) Criminal Investigation Program Estimated	30,000
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SOURCE OF FUNDS:

(1) State General Fund	30,000
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Total Arrest of Absconding Felons	30,000	30,000
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3. Automatic Appeal Expense:

(a) Legal Advice and Legal Services Program, Estimated	500
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SOURCE OF FUNDS:

(1) State General Fund	500
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As provided in Title 12, Chapter 22,
Sections 150 and 241, 1975 Code
of Alabama

Total Automatic Appeal Expense	500	500
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4. Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham:

(a) Support of State Universities Program	100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000
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Total Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham	100,000	100,000
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham to be conditional upon the availability of funds in the State General Fund, the approval of the Governor and upon the availability of \$2,500,000 in matching funds from the Cystic Fibrosis Foundation. The matching funds are to be paid in increments of \$500,000 annually beginning in fiscal year 1982-83 and continuing through fiscal year 1986-87.

5. Center for Diagnosis and Treatment of Congenital Heart Disease at the University of Alabama in Birmingham:

(a) Support of State Universities Program		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Center for Diagnosis and Treatment of Congenital Heart Disease at the University of Alabama in Birmingham	100,000	100,000
6. Civil Court Costs in Connection with Ad Valorem Assessments Appeals:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
7. Consumer Utility Rate Hearing:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate Hearing	250,000	250,000
8. Court Costs-Act No. 558,1957:		
(a) Court Operations Program, Estimated		8,000
SOURCE OF FUNDS:		
(1) State General Fund	8,000	
Pursuant to Act No. 558,1957, page 777.		
Total Court Costs-Act No. 558, 1957	8,000	8,000
9. Court Cost Not Otherwise Provided For:		
(a) Legal Advice and Legal Service Program, Estimated		1,020,000
SOURCE OF FUNDS:		
(1) State General Fund	1,020,000	
Total Court Cost Not Otherwise Provided For	1,020,000	1,020,000

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10. Distribution of Public Documents:

(a) Administrative Support Service Program, Estimated 37,000

SOURCE OF FUNDS:

(1) State General Fund 37,000

Total Distribution of Public Documents 37,000 37,000

11. Election Expenses:

(a) Special Services Program, Estimated 1,410,000

SOURCE OF FUNDS:

(1) State General Fund 1,410,000

Total Election Expenses 1,410,000 1,410,000

12. Emergency Fund, Departmental:

(a) Special Services Program 450,000

SOURCE OF FUNDS:

(1) State General Fund 450,000

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

Total Departmental Emergency Fund. 450,000 450,000

13. Fair Trial Tax Transfer:

(a) Court Operations Program, Estimated 350,000

SOURCE OF FUNDS:

(1) State General Fund 350,000

Total Fair Trial Tax Transfer ... 350,000 350,000

14. Feeding of Prisoners:

(a) Institutional Services-Corrections Program, Estimated .. 2,000,000

SOURCE OF FUNDS:

(1) State General Fund 2,000,000

For expenses of feeding prisoners in county jails

Total Feeding of Prisoners 2,000,000 2,000,000

15. Forest Fire Fund, Emergency:

(a) Forest Resource Protection Prog.	180,000
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SOURCE OF FUNDS:

(1) State General Fund Transfer- Act 79-830	180,000
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Total Emergency Forest Fire Fund	<u>180,000</u>	<u>180,000</u>
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16. Governors' Conference, Na-
tional:

(a) Executive Direction Program	58,910
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SOURCE OF FUNDS:

(1) State General Fund	58,910
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Total National Governors' Confer- ence	<u>58,910</u>	<u>58,910</u>
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17. Governors' Councillor:

(a) Executive Direction Program	39,801
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SOURCE OF FUNDS:

(1) State General Fund	39,801
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As provided in Title 36, Chapter 13,
Section 13, 1975 Code of Ala.

Total Governor's Councillor	<u>39,801</u>	<u>39,801</u>
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18. Governor's Proclamation Ex-
penses:

(a) Executive Direction Program, Estimated	150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000
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Total Governor's Proclamation Ex- penses	<u>150,000</u>	<u>150,000</u>
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19. Governor's Widows Retire-
ment:

(a) Executive Direction Program	14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400
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Total Governor's Widows Retire- ment	<u>14,400</u>	<u>14,400</u>
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20. Interpreter's Account:

(a) Court Support Services Pro- gram, Estimated	2,000
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SOURCE OF FUNDS:

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(1) State General Fund	2,000	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account	<u>2,000</u>	<u>2,000</u>
21. Law Enforcement Fund:		
(a) Criminal Investigation Pro- gram		8,730
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	<u>8,730</u>	
Total Law Enforcement Fund ...	<u>8,730</u>	<u>8,730</u>
22. Law Enforcement Legal De- fense:		
(a) Legal Advice and Legal Ser- vices Program		3,600
SOURCE OF FUNDS:		
(1) State General Fund	3,600	
To carry out provisions of Act No. 259, 1957 Regular Session.		
Total Law Enforcement Legal De- fense	<u>3,600</u>	<u>3,600</u>
23. Mailing Tax Notices:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	<u>200</u>	
Total Mailing Tax Notices	<u>200</u>	<u>200</u>
24. Matching Federal Funds not Otherwise Provided For:		
(a) Special Services Program		45,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>45,000</u>	
Total Matching Federal Funds Not Otherwise Provided For	<u>45,000</u>	<u>45,000</u>
25. Mental Health Trust Fund, Alabama Special:		38,139,990
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	<u>38,139,990</u>	
Total Alabama Special Mental Health Trust Fund	<u>38,139,990</u>	<u>38,139,990</u>
26. Presidential Electoral Ex- pense:		

(a) Administration of Public Documents Program, Estimated ...	1,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,000</u>
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Total Presidential Electoral Expense	<u>1,000</u>	<u>1,000</u>
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27. Printing of Code Supplement:

(a) Administration of Public Documents Program, Estimated ...	200,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>200,000</u>
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Total Printing of Code Supplement	<u>200,000</u>	<u>200,000</u>
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28. Printing of Legislative Acts and Journals:

(a) Administrative Support Services Program, Estimated	390,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>390,000</u>
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Total Printing of Legislative Acts and Journals	<u>390,000</u>	<u>390,000</u>
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29. Printing of State and County Privilege Licenses:

(a) State Revenue Administration Program, Estimated	14,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>14,000</u>
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Total Printing of State and County Privilege Licenses	<u>14,000</u>	<u>14,000</u>
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30. Public Defenders:

(a) Court Operations Program ..	39,761
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SOURCE OF FUNDS:

(1) State General Fund	39,761
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For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session.

Total Public Defenders	<u>39,761</u>	<u>39,761</u>
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31. Registration of Voters:

(a) Special Services Program, Estimated	600,000
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SOURCE OF FUNDS:

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(1) State General Fund	600,000	
Total Registration of Voters	600,000	600,000
32. Removal of Prisoners:		
(a) Administrative Services and Logistical Support Program, Es- timated		187,000
SOURCE OF FUNDS:		
(1) State General Fund	187,000	
Total Removal of Prisoners	187,000	187,000
33. State Treasurer-Previous Year's Unpaid Warrants:		
(a) Special Services Program, Es- timated		367,000
SOURCE OF FUNDS:		
(1) State General Fund	367,000	
Total State Treasurer-Previous Year's Unpaid Warrants	367,000	367,000
E. FINANCIAL ASSISTANCE OF NON-STATE AGENCIES:		
1. Amos Alonzo Stagg Bowl:		
(a) Tourism and Travel Promotion Program		3,850
SOURCE OF FUNDS:		
(1) State General Fund	3,850	
Total Amos Alonzo Stagg Bowl ..	3,850	3,850
2. Appalachian Regional Commis- sion:		
(a) Planning Program		195,000
SOURCE OF FUNDS:		
(1) State General Fund	195,000	
Total Appalachian Regional Com- mission	195,000	195,000
3. Armed Forces Day in Alabama:		
(a) Historical Resources Manage- ment Program		1,115
SOURCE OF FUNDS:		
(1) State General Fund	1,115	
Total Armed Forces Day in Ala- bama	1,115	1,115

4. Army Aviation Museum, Fort
Rucker, AL.:

(a) Historical Resources Management Program		72,750
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SOURCE OF FUNDS:

(1) State General Fund	<u>72,750</u>	
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Total Army Aviation Museum, Fort Rucker, AL.	<u>72,750</u>	<u>72,750</u>
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5. Azalea Trail Festival, Mobile:

(a) Tourism and Travel Promotion Program		2,075
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,075</u>	
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Total Mobile Azalea Trail Festival	<u>2,075</u>	<u>2,075</u>
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6. Big Nance Creek Water Man-
agement District:

(a) Water Resource Development Program		1,867
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
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Total Big Nance Creek Water Management District	<u>1,867</u>	<u>1,867</u>
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7. Birmingham Chamber Music
Society:

(a) Fine Arts Program		2,075
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,075</u>	
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Total Birmingham Chamber Music Society	<u>2,075</u>	<u>2,075</u>
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8. Birmingham Festival of Arts,
Inc.:

(a) Fine Arts Program		20,307
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SOURCE OF FUNDS:

(1) State General Fund	<u>20,307</u>	
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Total Birmingham Festival of Arts	<u>20,307</u>	<u>20,307</u>
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9. Blue and Gray Association, Inc.:

(a) Tourism and Travel Promotion Program		7,469
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,469</u>	
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Total Blue and Gray Association Inc.	<u>7,469</u>	<u>7,469</u>
10. Chilton County Peace Festival:		
(a) Tourism and Travel Promotion Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>15,000</u>	
Total Chilton County Peace Festival	<u>15,000</u>	<u>15,000</u>
11. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program		2,910
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,910</u>	
Total Choccolocco Creek Watershed Association	<u>2,910</u>	<u>2,910</u>
12. Civil Air Patrol:		
(a) Readiness and Recovery Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>40,000</u>	
Total Civil Air Patrol	<u>40,000</u>	<u>40,000</u>
13. Coosa-Alabama River Improvement Association:		
(a) Water Resource Development Program		10,379
SOURCE OF FUNDS:		
(1) State General Fund	<u>10,379</u>	
Total Coosa-Alabama River Improvement Association	<u>10,379</u>	<u>10,379</u>
14. Coosa River Action Council, Inc.:		
(a) Water Resource Development Program		8,294
SOURCE OF FUNDS:		
(1) State General Fund	<u>8,294</u>	
Total Coosa River Action Council Inc.	<u>8,294</u>	<u>8,294</u>
15. Deep Sea Fishing Rodeo, Alabama:		

(a) Tourism and Travel Promotion Program		1,246
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,246</u>	
Total Ala. Deep Sea Fishing Rodeo	<u>1,246</u>	<u>1,246</u>
16. Dorse, Mary E., Recreational and Educational Center:		
(a) Special Services Program		4,850
SOURCE OF FUNDS:		
(1) State General Fund	<u>4,850</u>	
Total Mary E. Dorse Recreational and Educational Center	<u>4,850</u>	<u>4,850</u>
17. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,867</u>	
Total Dynne Creed Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>
18. Elk River Development Agency:		
(a) Water Resource Development Program		6,208
SOURCE OF FUNDS:		
(1) State General Fund	<u>6,208</u>	
Total Elk River Development Agency	<u>6,208</u>	<u>6,208</u>
19. Elyton Recovery Center:		
(a) Non-Institutional Treatment and Care Program		150,350
SOURCE OF FUNDS:		
(1) State General Fund-Capital Improvement	<u>150,350</u>	
Total Elyton Recovery Center ...	<u>150,350</u>	<u>150,350</u>
20. Energy Board, Southern States:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		20,536

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SOURCE OF FUNDS:

(1) State General Fund	20,536	
Total Southern States Energy Board	20,536	20,536

21. Forest Festival, Alabama:

(a) Forest Information and Education Program		6,147
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SOURCE OF FUNDS:

(1) State General Fund	6,147	
Total Alabama Forest Festival ..	6,147	6,147

22. George Lindsey Celebrity Benefit, Inc.:

(a) Tourism and Travel Promotion Program		8,294
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SOURCE OF FUNDS:

(1) State General Fund	8,294	
Total George Lindsey Celebrity Benefit, Inc.	8,294	8,294

23. Gulf Shores Tourist Association:

(a) Tourism and Travel Promotion Program		11,197
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SOURCE OF FUNDS:

(1) State General Fund	11,197	
Total Gulf Shores Tourist Assoc .	11,197	11,197

24. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program		10,091
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SOURCE OF FUNDS:

(1) State General Fund	10,091	
Total Guntersville Boat Races ...	10,091	10,091

25. Hank Williams Memorial Association:

(a) Historical Resources Management Program		4,147
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SOURCE OF FUNDS:

(1) State General Fund	4,147	
Total Hank Williams Memorial Association	4,147	4,147

26. Helen Keller Property Board:

(a) Historical Resources Management Prog.		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Helen Keller Property Board	30,000	30,000
27. Interstate Mining Commission:		
(a) Planning Program		9,722
SOURCE OF FUNDS:		
(1) State General Fund	9,722	
Total Interstate Mining Commission	9,722	9,722
28. Junior Miss Pageant, Inc., America's:		
(a) Tourism and Travel Promotion Program		20,000
SOURCE OF FUNDS:		
(1) State General Fund	20,000	
Total America's Junior Miss Pageant, Inc.	20,000	20,000
29. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	1,867	
Total Ketchepedrakee Creek Watershed Conservancy District	1,867	1,867
30. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program		7,469
SOURCE OF FUNDS:		
(1) State General Fund	7,469	
Total Lake Eufaula Summer Spectacular	7,469	7,469
31. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program		3,733
SOURCE OF FUNDS:		
(1) State General Fund	3,733	

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Total Mobile Carnival Association	3,733	<u>3,733</u>
31A. Mobile Area Mardi Gras Association:		
(a) Tourism and Travel Promotion Prog.		2,900
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,900</u>	
Total Mobile Area Mardi Gras Assoc.	<u>2,900</u>	<u>2,900</u>
32. Motor Sports Hall of Fame:		
(a) Tourism and Travel Promotion Program		72,750
SOURCE OF FUNDS:		
(1) State General Fund	<u>72,750</u>	
Total Motor Sports Hall of Fame	<u>72,750</u>	<u>72,750</u>
33. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program		19,075
SOURCE OF FUNDS:		
(1) State General Fund	<u>19,075</u>	
Total Mountain Lakes Tourism Association, Alabama	<u>19,075</u>	<u>19,075</u>
34. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program		4,147
SOURCE OF FUNDS:		
(1) State General Fund	<u>4,147</u>	
Total Pea River Historical and Genealogical Society	<u>4,147</u>	<u>4,147</u>
35. Pea River Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,867</u>	
Total Pea River Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>
36. Peanut Festival Association, Inc., National:		

(a) Tourism and Travel Promotion Program		11,000
SOURCE OF FUNDS:		
(1) State General Fund	11,000	
Total National Peanut Festival Association, Inc.	11,000	11,000
37. Pike County Pioneer Museum Association:		
(a) Historical Resources Management Program		4,147
SOURCE OF FUNDS:		
(1) State General Fund	4,147	
Total Pike County Pioneer Museum Association	4,147	4,147
38. Randolph County Truck Crop Recognition Program:		
(a) Tourism and Travel Promotion Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Randolph County Truck Crop Recognition Program	1,000	1,000
39. Riverboat Commission, Inc., Montgomery:		
(a) Tourism and Travel and Promotion Program		18,673
(a) Tourism and Travel Promotion Program		18,673
SOURCE OF FUNDS:		
(1) State General Fund	18,673	
Total Montgomery Riverboat Comm.	18,673	18,673
40. Southern Championship Charity Horseshow:		
(a) Tourism and Travel Promotion Program		4,147
SOURCE OF FUNDS:		
(1) State General Fund	4,147	
Total Southern Championship Charity Horseshow	4,147	4,147
41. Spirit of America Festival, Inc.		

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(a) Tourism and Travel Promotion Program		3,735
SOURCE OF FUNDS:		
(1) State General Fund	3,735	
Total Spirit of America Festival, Inc.	3,735	3,735
42. Sports Hall of Fame:		
(a) Historical Resources Management Program		27,645
SOURCE OF FUNDS:		
(1) State General Fund	27,645	
Total Sports Hall of Fame	27,645	27,645
43. Steer Show Association, Alabama State:		
(a) Agricultural Development Services Program		14,550
SOURCE OF FUNDS:		
(1) State General Fund	14,550	
Total Alabama State Steer Show Association	14,550	14,550
44. Tallacoosa Highland Lakes Association:		
(a) Tourism and Travel Promotion Program		7,469
SOURCE OF FUNDS:		
(1) State General Fund	7,469	
Total Tallacoosa Highland Lakes Association	7,469	7,469
45. Tallassee hatchie Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,649
SOURCE OF FUNDS:		
(1) State General Fund	1,649	
Total Tallassee hatchie Creek Watershed Conservancy District	1,649	1,649
46. Tennessee River Valley Association:		

(a) Water Resource Development Program		11,611
SOURCE OF FUNDS:		
(1) State General Fund	11,611	
Total Tennessee River Valley Assn.	11,611	11,611
47. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program		33,174
SOURCE OF FUNDS:		
(1) State General Fund	33,174	
Total Tennessee Valley Publicity and Improvement Association ..	33,174	33,174
48. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	1,867	
Total Terrapin Creek Watershed Conservancy District	1,867	1,867
49. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program		33,174
SOURCE OF FUNDS:		
(1) State General Fund	33,174	
Total Alabama Travel Council ..	33,174	33,174
50. Tri-Rivers Waterway Development Association:		
(a) Water Resource Development Program		22,392
SOURCE OF FUNDS:		
(1) State General Fund	22,392	
Total Tri-Rivers Waterway Development Association	22,392	22,392
51. Vestavia Hills Dogwood Festival and Trail:		
(a) Tourism and Travel Promotion Program		2,000
SOURCE OF FUNDS:		

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(1) State General Fund	2,000	
Total Vestavia Hills Dogwood Festival and Trail	2,000	2,000
52. Veterans Day in Alabama:		
(a) Historical Resources Management Program		1,659
SOURCE OF FUNDS:		
(1) State General Fund	1,659	
Total Veterans Day in Alabama .	1,659	1,659
53. Veterans Day Committee, National:		
(a) Historical Resources Management Program		5,810
SOURCE OF FUNDS:		
(1) State General Fund	5,810	
Total National Veterans Day Committee	5,810	5,810
54. Y.M.C.A. Youth Legislature:		
(a) Special Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Y.M.C.A. Youth Legislature	15,000	15,000
55. Shelby County Historical Association:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Shelby County Historical Association	5,000	5,000
56. East Alabama Child Development Program:		1,150,000
SOURCE OF FUNDS:		
(1) State General Fund	1,150,000	
Total East Alabama Child Development Program	1,150,000	1,150,000
57. Mobile Exploreum-Medical:		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Mobile Exploreum	25,000	25,000

58. Alabama 4-H Club Foundation:

There is hereby appropriated the amount of \$300,000 to the Alabama 4-H Club Foundation for capital outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

59. Sickie Cell Education Program:

(a) Jefferson County Sickie Cell	100,000
(b) East Alabama Sickie Cell	50,000
(c) Mobile Sickie Cell	60,000

SOURCE OF FUNDS:

(1) State General Fund	210,000	
Total Sickie Cell Education Program	210,000	210,000

59A. Landmarks Foundation, Inc.:

(a) Historical Resources Management Program	7,500
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SOURCE OF FUNDS:

(1) State General Fund	7,500	
Total Landmarks Foundation, Inc.	7,500	7,500

59B. Arts Hall of Fame, Alabama:

6,000

SOURCE OF FUNDS:

(1) State General Fund	6,000	
Total Alabama Arts Hall of Fame	6,000	6,000

60. Anniston Subregional Library for the Blind and Physically Handicapped:

(a) Special Services Program	6,000
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SOURCE OF FUNDS:

(1) State General Fund	6,000	
Total Anniston Subregional Library for the Blind and Physically Handicapped	6,000	6,000

61. Alabama Aviation Hall of Fame:

There is here appropriated the amount of \$15,000 to the Alabama Aviation Hall of Fame to be conditional upon the availability of funds in the State General Fund and approval of the Governor.

62. Macon County Council on Retardation and Rehabilitation Center:

There is hereby appropriated the amount of \$50,000 to the Macon County Council on Retardation and Rehabilitation Center to be conditioned on the availability of funds and upon approval of the Governor.

63. Fruitdale High School Band:

(To attend the World's Fair)

There is hereby appropriated the amount of \$5,000 to the Fruitdale High School Band to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

64. Buck's Pocket State Park:

There is hereby appropriated the amount of \$50,000 to Buck's Pocket State Park to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

65. Trenholm State Technical College:

(For emergency medical training)

There is hereby appropriated the amount of \$150,000 to Trenholm State Technical College to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

66. In addition to the above appropriations, there is hereby appropriated \$50,000 to the Cullman Industrial Board for use on capital expenditures for construction to be conditional upon the availability of funds in the State Treasury and upon the approval of the Governor.

67. Birmingham International Educational Film Festival:

(a) Special Services Program 10,000

SOURCE OF FUNDS:

(1) State General Fund 10,000

Total Birmingham International Educational Film Festival 10,000 10,000

68. Southern Center for International Studies, Annual Membership:

(a) Special Services Program 25,000

SOURCE OF FUNDS:

(1) State General Fund 25,000

Total Southern Center For International Studies, Annual Membership 25,000 25,000

F. DEBT SERVICE FUNDED
FROM THE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,124,048
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,124,048	
Total General Obligation Capital Improvement Bonds, Series A and B	1,124,048	1,124,048

2. General Obligation Coosa Waterway Bonds, Series A, Estimated	653,873
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	653,873	
Total General Obligation Coosa Waterway Bonds, Series A	653,873	653,873

3. General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,548,001
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,548,001	
Total General Obligation Docks Facilities Bonds, Series A-C ...	4,548,001	4,548,001

4. Inland Waterway Improvement Bonds, Series A through D, Estimated	314,258
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	314,258	
Total Inland Waterway Improvement Bonds, Series A through D, Estimated	314,258	314,258

5. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated	900,068
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	900,068	
Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated	900,068	900,068

6. Corrections Institution Bonds, Estimated	1,055,875
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SOURCE OF FUNDS:

(1) State General Fund Transfer, Estimated	1,055,875	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds	1,055,875	1,055,875

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1982 for such items, unless approved or reapproved on or after October 1, 1982 by the Director of Finance.

Section 7. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 95-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any

other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1982.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 151, to-wit:

COMMITTEE AMENDMENT TO THE SUBSTITUTE FOR H. B. 151

Amend substitute for House Bill 151, on Page 21, Line 13, by striking out the figure "\$350,000" and inserting in lieu thereof the figure "\$2,160,642".

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

COMMITTEE AMENDMENT TO THE SUBSTITUTE,
AS AMENDED, FOR H. B. 151

Amend substitute for House Bill 151 on Page 38, Line 19 by inserting after the word "center" the following:

"and \$55,000 to the Department of Public Health for Phenylketonuria Children Program (PKU)"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

COMMITTEE AMENDMENT TO THE SUBSTITUTE,
AS AMENDED, FOR THE H. B. 151

Amend substitute for House Bill 151, on Page 34, Lines 8, 9, & 10 by striking out the words:

"\$250,000 shall go to the Washington County Forestry Commission and \$250,000 shall go to the Mobile County Forestry Commission".

Mr. Callahan moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

COMMITTEE AMENDMENT TO THE SUBSTITUTE, AS AMENDED,
FOR H. B. 151

Amend substitute for House Bill 151 on page 48, line 26 by inserting after the word "Governor" the following:

"It is the intent of the Legislature that this conditional appropriation be released by the Governor prior to the release of any other conditional appropriation."

Which was adopted.

Mr. Mitchem offered the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED, FOR H. B. 151

Amend substitute for House Bill 151 on page 34 by striking the language on lines 7, 8, 9, 10 and 11 in their entirety.

Which was adopted.

Mr. Pearson offered the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED, FOR H. B. 151

Amend substitute for House Bill 151 in Section 2-C-51 on page 38 by deleting lines 6 through 10 in their entirety.

Further amend substitute for House Bill 151 in Section 2-C-51 on page 37 after line 10 by adding the following:

"(g) University of Alabama in
Birmingham-Biomedical Sci-
ences Program

325,000"

Further amend substitute for House Bill 151 in Section 2-C-51 on page 36 line 29 by deleting the figure "38,135,071" and inserting in lieu thereof the figure "37,972,571".

Further amend substitute for House Bill 151 in Section 2-C-51 on page 36 line 36 by deleting the figure "36,234,375" and inserting in lieu thereof the figure "36,071,875".

Which was adopted.

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED, FOR H. B. 151

Amend substitute for House Bill 151 in Section 2-C-112 on page 73-A by deleting lines 4-21 in their entirety and inserting in lieu thereof the following:

"112. State Department of Educa-
tion:

(a) Cystic Fibrosis Treatment Pro-
gram

All age groups included

270,000

(b) Library Instructional Ma-
terials-To be distributed to all
public elementary and secondary
schools and all two-year post-
secondary institutions under
jurisdiction of the State Board of
Education by an equal amount
per student enrolled.

2,494,131

SOURCE OF FUNDS:

(1) State General Fund 2,764,131Total State Department of Educa-
tion 2,764,131 2,764,131"

Further amend substitute for House Bill 151 on page 22 line 20 by striking the figure "61,646,545" and inserting in lieu thereof the figure "59,152,414" and on line 27 by striking the figure "73,352,839" and inserting in lieu thereof the figure "70,858,708" and on page 23 line 9 by striking the figures "73,352,839" and "78,820,889" and inserting in lieu thereof the figures "70,858,708" and "76,326,758" respectively and on line 11 by striking the figure "5,000,000" and inserting in lieu thereof the figure "7,494,131".

Which was adopted.

Mr. Denton offered the following amendment to the substitute, as amended, for the Bill, H. B. 151, to-wit:

AMENDMENT SUBSTITUTE, AS AMENDED, FOR H. B. 151

Amend substitute for House Bill 151 in Section 2-C-81 on pages 60-61 by deleting subsection 81 in its entirety and inserting in lieu thereof a new subsection 81 as follows:

"81. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program	18,395,351
(b) Criminal Investigation Program	3,812,287
(c) Drivers's Licensing and Improvement Program	7,432,690
(d) Public Safety Support Services Program	7,762,125
(e) Administrative Services Program	1,986,248
(f) Alabama Criminal Justice Training Center Program	1,632,640

SOURCE OF FUNDS:

(1) State General Fund 41,021,341Total Department of Public Safety 41,021,341 41,021,341"

Further amend substitute House Bill 151 in Section 2-A-1 on page 3 on lines 8, 10, and 12 by striking the figure "4,191,152" and inserting in lieu thereof the figure "3,641,283".

Further amend substitute for House Bill 151 in Section 2-C-67 on page 49 line 8 by striking the figure "14,375,961" and inserting in lieu thereof the figure "14,477,283".

Further amend substitute for House Bill 151 on page 22 line 20 by striking the figure "59,152,414" and inserting in lieu thereof the figure "60,222,679" and on line 27 by striking the figure "70,858,708" and inserting in lieu thereof the figure "71,928,973" and on page 23 line 9 by striking the figures "70,858,708" and "76,326,758" and inserting in lieu thereof the figures "71,928,973" and "77,397,023" respectively and on line 11 by striking the figure "7,494,131" and inserting in lieu thereof the figure "6,423,866".

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Which was adopted.

And said substitute, as amended, for the Bill, H. B. 151, was then adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	St. John	
Britnell	Harrison	Martin	Smith	
Cook	Higginbotham	McDonald	Taylor	
deGraffenried	Hilliard	Miller	Teague	
Denton	Holmes	Mitchem	Weeks	
Figures	Keener	Parsons	White	
Goodwin	Kirkland	Pearson		—30

Nays: —0

And said Bill, H. B. 151, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Callahan	Higginbotham	Miller	Taylor	
Cook	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland	Proctor	White	
Goodwin	Lemaster			—33

Nays: —0

RESOLUTION

Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 211. HONORING OUR DISTINGUISHED COLLEAGUE, SENATOR PASCHAL P. VACCA OF BIRMINGHAM, ALABAMA.

WHEREAS, Senator Paschal Patrick Vacca of Birmingham, Alabama, has served as a member of the Legislature since his election to the 1955 term as a member of the House of Representatives; and

WHEREAS, following a second term in the House, our distinguished colleague assumed the Senatorial Seat to which he was elected in 1962 and subsequently re-elected for three consecutive terms; and

WHEREAS, our good friend Pat Vacca, Dean of the Alabama Senate, has served his constituency and indeed the entire State of Alabama with true distinction and as the statesman he clearly is, exercising his leadership wisely and well and to the good of all citizens of this state; and

WHEREAS, Senator Vacca, who is a native of Pennsylvania and a resident of Birmingham since 1919, holds multiple degrees in business, in law and in higher accountancy; he is a former tax consultant and has served as Municipal Judge, City Attorney, Director of the Tarrant, Alabama, Housing Authority, and as a past director and arbitrator with the United States Department of Labor; and

WHEREAS, as an attorney, he is currently engaged in the private practice of law, and in addition is a member of the board and a vice president of Bruno's, Inc. of Birmingham; and

WHEREAS, Senator Vacca is a Methodist, a member of the Elks, Eagles, Masons and Shriners, and a member and past District Governor of Civitan; and

WHEREAS, it is an honor and a privilege for those of us in the Legislature to serve with Senator Pat Vacca, a gentleman whose dedication and commitment to duty are evidenced in an attendance record of only one absence in almost 24 years, an absence excused for official state business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration and utmost regard, we hereby most highly commend The Honorable Paschal Patrick Vacca of Birmingham, Alabama, and direct that he receive a copy of this resolution extended in friendship and in warm affection for an exemplary First Citizen of Alabama.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 11:50 A.M., on motion of Mr. Vacca, the Senate took a recess until 2:45 this afternoon, for the purpose of holding the reunion of former Senators, pursuant to the provisions of S. R. 104.

AFTERNOON SESSION
 TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, APRIL 1, 1982

The Senate re-assembled in the Senate Chamber, Lieutenant Governor McMillan presiding.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

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INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Parsons:

S. 522. To amend Section 32-9-20, Code of Alabama 1975, which provides for the size and weight restrictions for motor vehicles on state highways, so as to provide further for said restrictions.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 523. To amend Section 41-9-430, Code of Alabama 1975, which provides for the Space Science Exhibit Commission, so as to provide further for the powers of the commission.

Committee on Governmental Affairs.

By Mr. Higginbotham:

S. 524. To amend Section 20-2-23, Code of Alabama 1975, which provides for the listing of controlled substances, so as to include within schedule I, the substance methaqualone.

Committee on Judiciary.

By Mr. Robertson:

S. 525. To amend Section 12-18-60, Code of Alabama 1975, relating to payment of benefits of spouses upon death of judges, so as to alter entitlement requirements.

Committee on Finance and Taxation.

By Mr. White:

S. 526. To regulate the practice of political polling and prescribes criminal penalties for violations.

Committee on Judiciary.

By Mr. White (with notice and proof):

S. 527. To amend subsection (e) of Section 14 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pages 717-739) which said Act No. 497 established a pension system for officers and employees of Jefferson County, which said Section 14 was last amended by Act No. 1060 of the Regular Session of the Legislature of Alabama of 1981.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 527, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall (with notice and proof):

S. 528. Relating to Walker County; to provide further for the pay of each deputy sheriff who is engaged in hazardous duties.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 528, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall (with notice and proof):

S. 529. Relating to the Cities of Jasper, Oakman, Parrish, Eldridge, Cordova, Carbon Hill, Nauvoo, Sipsey, Dora and Sumiton, of Walker County, Alabama; providing further for additional compensation for certain enforcement of state laws to certain municipal police officers for hazardous duty pay: excluding certain police officers who perform administrative or ministerial functions; providing that such compensation be paid from the municipality in the same manner as other compensation is paid to police officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 529, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall (with notice and proof):

S. 530. Relating to Walker County; abolishing the five-member Walker County Commission, established by Act No. 1067, S. 938, of the 1973 Regular Session of the Alabama Legislature (Acts 1973, Vol. III, p. 1802), and establishing in lieu thereof a three-member commission; providing for the election of the president and two associate members of such commission; prescribing the functions, jurisdiction, powers, and duties of such commission

and the president and members thereof; regulating the official bonds to be given by the president and members of such commission and the compensation to be received by them; and providing for filling vacancies on such commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 530, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook (with notice and proof):

S. 531. To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to the property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 531, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTIONS

Mr. Gullede offered the following Senate Resolutions, to-wit:

S. R. 212. COMMENDING FATHER JAMES D. KIRWAN ON BEING SELECTED MAN OF THE YEAR BY THE CENTRAL BALDWIN CHAMBER OF COMMERCE.

Also:

S. R. 213. CONGRATULATING MR. CLARENCE McCRAWLEY OF FAIRHOPE, ALABAMA, ON HIS RECENT SELECTION AS "1981-82 VOLUNTEER OF THE YEAR."

Also:

S. R. 214. COMMENDING BERTIE POOS GILBERT FOR HER SELECTION AS CENTRAL BALDWIN COUNTY'S WOMAN OF THE YEAR.

Also:

S. R. 215. COMMENDING MRS. MAMIE L. WHITE OF BAY MINETTE, ALABAMA, ON BEING NAMED "1981-82 VOLUNTEER OF THE YEAR."

Which were adopted.

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Figures:

S. 330. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Mr. Harrison:

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

By Reps. Carothers, Grimsley, Williams and Daniels:

H. 531. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 355. To amend Sections 33-5-1 through 33-5-36 of the Code of Alabama 1975, relating to registration and operation of vessels on the waters of this state and Section 40-17-31 pertaining to Marine Fuel Tax so as to transfer the Marine Police Division from the Department of Conservation and Natural Resources to the Department of Public Safety.

By Mr. Little:

S. 497. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

By Mr. Kirkland:

S. 495. To prevent commercial exploitation of raccoon and fox and further the rights of sportsmen.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (With Substitute):

S. 368. To prohibit misrepresentation of prices of services or commodities sold by weight, measure or count; to prohibit any misrepresentation intended to mislead or deceive; to provide for enforcement by the Commis-

sioner of Agriculture and Industries to include all deceptive business practices statutes found in Sections 13A-9-41, 13A-9-42, 13A-9-43 and 13A-9-45, Code of Alabama 1975; to authorize promulgation of rules and regulations; to authorize injunctive relief.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell:

S. 384. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to exempt circulation and registration records from Section 36-12-40, Code of Alabama 1975.

By Mr. Callahan:

S. 478. To amend Section 16-13-213, Code of Alabama 1975, relating to board of education notes in anticipation of warrants, so as to alter the period of refund, renewal or extension.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Substitute):

S. 467. To amend sections 25-4-16, 25-4-32, 25-4-51, 25-4-54, 25-4-72, 25-4-77, 25-4-78, 25-4-92, 25-4-94, 25-4-118, 25-4-130, 25-4-132, and 25-4-133, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit transfer of funds deducted from the claimant for child support (as required by federal law) to the appropriate child support agency; to provide for revision of certain provisions for non-profit and governmental organizations making payments in lieu of contributions; to increase the maximum employer tax rate; to make benefit wage charges when an individual has been paid an amount equal to or exceeding one week of benefits; to increase the minimum and maximum weekly benefit rate from \$15 and \$90 respectively, to \$20 and \$110 respectively, and the method of determining such weekly rates effective for benefit years beginning on or after the first Sunday of the first calendar quarter which begins not less than 90 days after this bill becomes law and the maximum to \$120 effective for benefit years beginning on or after July 2, 1983; to provide revisions in certain conditions required of an individual to receive benefits, making the requirement for a one-week waiting period under certain circumstances and permitting receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to provide for reducing maximum benefits and the length and effect of certain disqualifications; to require an active search for work by an unemployed individual; to redefine "suitable work"; to remove "seeking a pension" as a cause for disqualification and permit reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public

and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to revise certain conditions for the termination of coverage of an employer; to increase the interest charged on delinquent tax payments; to increase the penalty for non-timely filed required reports depending upon the number of workers to be reported; to make other such amendments as are necessary to meet federal and minor administrative requirements and to set the effective dates of such provisions.

By Mr. Bailey (With Substitute):

S. 181. To amend Section 25-4-78 of the Code of Alabama 1975, as amended, so as to provide further for disqualifications for unemployment compensation benefits.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 392. Relating to arbitration; to provide for a short title; to provide for applicability of Act; to provide for the effect of agreements to submit to arbitration controversies, existing or thereafter arising; to provide for applications to the court, venue, and service of papers; to provide for limitation of time as a bar to arbitration; to provide for applications to the court to compel arbitration and to provide for demands for arbitration; to provide for appointment of arbitrators; to provide for an arbitration hearing and procedures relative thereto; to provide for subpoenas, notices to produce, depositions, and discovery; to provide for an award; to provide for changes of the award by the arbitrators on certain grounds; to provide for confirmation of the award by the court on certain grounds; to provide for the entry of judgment on the award; to provide for appeals; to provide for fees and expenses; to provide for severance of its parts if unconstitutional; to repeal conflicting laws; to provide for an effective date; and for other purposes.

By Mr. Teague:

* S. 464. To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of amounts from the obligee's unemployment compensation of entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

By Mr. Teague:

S. 465. To amend Section 25-4-91, Code of Alabama, 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within one year after the end of the benefit year if the original determination was based on false or misrepresented information; to provide for appeals therefrom; to delay charges to employer's experience rating account resulting therefrom in certain circumstances; to clarify certain duplications and ambiguities incorporated in the last amendment and to provide for retroactive effect.

By Mr. Teague:

S. 466. To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

By Mr. Teague:

S. 472. To amend sections 25-4-16, 25-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Substitute):

S. 470. To provide for the emergency assessment of a surcharge of six-tenths (0.6%) percent of the taxable wages paid on or after July 1, 1982 by employers subject to the contributory provisions of the Alabama Unemployment Compensation Act; to provide for the termination of the surcharge when the fund reaches required balances and for reinstatement under certain conditions.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 473. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the collection of benefit

costs and/or contributions which are, or which may become, due based on wages earned from governmental entities which terminates employment or cease to exist; designate liability for resulting benefit cost and recovery of such costs from an abolished agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

By Mr. Harrison:

S. 59. To amend Section 25-5-50, Code of Alabama, 1975, so as to make the provisions of the state Workmen's Compensation law apply to local boards of education.

By Reps. McCorquodale, Manley and Biddle:

H. 478. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Messrs. Lemaster and Bailey:

S. 521. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Mr. White moved that the Bill, S. B. 521, be re-committed to the Standing Committee on Banking and Insurance, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 521, re-committed to the Standing Committee on Banking and Insurance.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 315. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendments):

S. 515. To make changes in the benefits available to public employees and relating to the Teachers Retirement System of Alabama ("TRS"), and the Employees Retirement System of Alabama ("ERS"); to prescribe the rates of member contributions and benefit accruals under the "ERS", and "TRS" respecting persons who become members of each said retirement system, on or after October 1, 1982; to provide that any person who became a member of "ERS," or "TRS," prior to October 1, 1982, may irrevocably elect to withdraw all or a part of his accumulated contributions from his respective retirement system and participate commencing October 1, 1982, as a member who became a member of his respective retirement system on that date with all prior service credited as of October 1, 1982; to provide that the formula benefit for the prior service as of October 1, 1982, shall be determined by the amount of accumulated contributions that are withdrawn; To provide that the State will contribute to only one retirement plan for teachers and to provide for an optional retirement program where certain teachers may elect to participate in TIAA-CREF or other similar tax sheltered annuity program in lieu of participation in the "TRS". To provide for a procedure whereby if the appropriations contained in the General Appropriations Budget Act and Alabama Special Educational Trust Fund Budget Act for the fiscal year commencing October 1, 1982, are determined to be in excess of that required for proper funding of the "ERS", or "TRS" then, in that event, to reduce such appropriations respectively by such excess; and to re-appropriate such excess to the General Fund in the State Treasury so as to make such excess available to satisfy other appropriations therefrom; provided, however, that any excess funds from the "ASETF", or constitutionally dedicated trust funds shall return to the funds from which appropriated originally.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendment):

S. 429. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (with notice and proof):

S. 407. To provide in Madison County, Alabama, for the fee charged and collected for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 13-6-155, Code of

Alabama 1975, as last amended; to provide for the distribution of such fees and for law enforcement; and to specifically repeal Act No. 489, H. 1034 of the 1975 Regular Session, relating to pistol permit fees in Madison County; and all conflicting laws.

By Mr. Hall (with notice and proof):

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

By Mr. Figures (with notice and proof):

S. 505. Relating to the Mobile County civil service system; to amend Section XV of Act 470, H. 952, 1939 Regular Session (Acts of 1939, p. 298), as amended, so as to remove the reference to provisional appointments and to repeal Section XVIII of said act which provided for provisional appointments.

By Mr. Proctor (with notice and proof):

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

By Mr. Holmes (with notice and proof):

S. 512. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

By Mr. Callahan (with notice and proof):

S. 516. To amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, p. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

By Mr. McDonald (with notice and proof):

S. 517. RELATING TO SCHOOL DISTRICT ONE, MADISON COUNTY; Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in School District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and prescribing the purposes for which such proceeds may be used.

By Mr. Mitchem (with notice and proof):

S. 518. Relating to DeKalb County; directing and requiring the county commission to provide for holding a referendum election relative to the distribution of the payments made in lieu of certain ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975 and directing the DeKalb County Commission to provide for the distribution of such funds in the manner approved by the majority of the voters at this referendum.

By Mr. Gullledge (with notice and proof):

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Smith (J) (with notice and proof):

H. 170. To alter or rearrange the boundary lines of the City of Huntsville in Madison County, Alabama, so as to include within the corporate limits and within the boundaries of said City all territory and property now within said corporate limits, and also certain other additional territory in Madison County, Alabama, and to provide for certain exemptions from ad valorem taxation with respect to said additional property.

By Reps. Stout and Rains (with notice and proof):

H. 572. Relating to DeKalb County; amending Act No. 372, S. 572, 1971 Regular Session (Acts 1971, p. 667), relating to the expense allowance of the coroner of the county.

By Rep. Stout (with notice and proof):

H. 573. To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit for Jackson County, Alabama.

By Rep. Riddick (with notice and proof):

H. 591. Relating to the City of Huntsville in Madison County, to authorize the governing body of the City of Huntsville to appropriate and pay from any general funds of the City otherwise unappropriated, up to the sum of \$3,000.00 for information leading to the arrest and conviction of the guilty person for any high crime or misdemeanor, in any case where the said governing body has, prior to the passage of this act manifested the intent of the governing body to appropriate any sum up to \$3,000.00 with respect to any high crime or misdemeanor heretofore committed, said sum to be paid only upon order of the Court before which such conviction was had.

By Rep. Reed:

H. 651. Proposing an amendment to the Constitution of 1901, relating to the judge of probate of Bullock County and the manner and method of compensating such officer.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Penry and McMillan (with notice and proof):

H. 653. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County.

By Rep. Reed (with notice and proof):

H. 669. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

By Reps. Manley and Pegues (with notice and proof):

H. 672. To provide for a certain increase in costs and charges of court in the Marengo County division of the Seventeenth Judicial Circuit of this state to be used to assist in service of process and service of subpoenas in civil and criminal court cases and for improvement of law enforcement by the sheriff of Marengo County.

By Reps. Roberts and Patton (with notice and proof):

H. 676. To amend Section 1 of Act No. 726, H. 1050, 1978 Regular Session (Acts 1978, p. 1051), relating to salary supplements for circuit judges in Morgan County, so as to provide further for such salary supplements and to provide for retroactive effect.

By Reps. Roberts and Patton (with notice and proof):

H. 677. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1982.

By Reps. Roberts and Patton (with notice and proof):

H. 678. To amend Section 2 of Act No. 458, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

By Reps. Roberts, Patton and Letson (with notice and proof):

H. 679. Providing a certain expense allowance for the sheriff of Morgan County, Alabama, which shall become part of the base salary of \$26,000 per annum of said sheriff at the beginning of the next term of office.

By Rep. Kelley (with notice and proof):

H. 693. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Guntersville in Marshall County.

By Rep. Campbell (with notice and proof):

H. 694. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council

any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

By Rep. Gilmer (with notice and proof):

H. 695. Relating to Marion County; to establish a special fund in the county treasury to pay a bounty to any resident of Marion County on certain beaver trapped or killed in Marion County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (with notice and proof):

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof) (With Amendment):

S. 510. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Callahan:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

By Mr. Little (With Amendment):

S. 374. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

By Mr. Martin:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

By Mr. Kirkland:

S. 192. To provide further for the rights of sportsmen on state wildlife management areas; to further regulate the taking, capturing, trapping or killing of raccoon and fox; to prescribe that the taking, trapping, capturing or killing of raccoon and fox for commercial purposes shall be a misdemeanor crime; to prescribe penalties upon conviction therefor; and to provide that the provisions of this act shall be construed in pari materia with other such laws.

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 236, on page 90 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 236, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs. White, Parsons, and Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 216. CREATING A SELECT JOINT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS ON ALL REGULATIONS AND PROCEDURES RELATING TO THE OFFICIAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF FORENSIC SCIENCES.

WHEREAS, the Director of the Department of Forensic Sciences is charged by law with the awesome responsibility of investigating crimes and deaths from unlawful, suspicious or unnatural causes and keeping original reports on such investigations in his office; and

WHEREAS, the annual general fund appropriation to the director and his staff is ever increasing as the crime rate and need for such investigations continues to spiral; and

WHEREAS, it is in the public interest that the Department of Forensic Sciences continues to function in an efficient and responsible manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee of three members to be composed of one member from the House of Representatives appointed by the Speaker, one member from the Senate appointed by the Lt. Governor and one member appointed by the Governor, which committee shall study and make recommendations on all regulations and procedures relating to the official duties and responsibilities of the Director of the Department of Forensic Sciences.

BE IT FURTHER RESOLVED, That upon request of the committee members, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th day of the 1983 Regular Session, whereupon said committee shall be dissolved.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Resolution, to-wit:

S. R. 217. WISHING MR. LYNCHMORE CANTRELL A SPEEDY RECOVERY.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 462. Relative to Class 4, 5, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722 to provide for the sale or lease of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:
Britnell

Callahan
Cook

Denton
Goodwin

Gulledge
Higginbotham

Hilliard
Holmes
KeenerKirkland
Lemaster
LittleMartin
Miller
RobertsonSt. John
Taylor
White

—19

Nays:

—0

The Bill:

S. 365. To authorize the Alabama State Docks Department to provide a retirement plan for various employees of the Alabama State Docks Department including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

*Yeas:*Messrs.,
Britnell
Callahan
Cook
DentonGoodwin
Higginbotham
Holmes
Kirkland
MartinMcDonald
Miller
St. John
SmithTaylor
Vacca
Weeks
White

—17

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 581. Relating to Shelby County; providing for additional compensation for the tax assessor and tax collector.

Also:

H. 622. Relating to the 17th Judicial Circuit; to provide for an expense allowance for the district attorney.

Also:

H. 623. To provide for the establishment of a merit system for Marshall County, Alabama, and a Personnel Board governing the appointment, hiring, salaries, benefits, removal and official conduct of employees of the County; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 629. Relating to Crenshaw County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Rutledge, Alabama.

Also:

H. 643. Relating to the City of Dothan in Houston County; to amend further Section 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), which Act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the Pension Board's meetings by requiring the city manager to attend, and to provide further for the authorized investments of the Pension Board.

Also:

H. 644. Relating to Clarke County; to amend Act 513, Regular Session 1951, (Acts of Alabama, p. 903), pertaining to the Board of Education, so as to provide that the members of said board shall be elected from certain districts.

Also:

H. 652. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Calhoun County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 219. HONORING MISS JULIA A. PERDUE UPON HER RETIREMENT.

Also:

H. J. R. 225. COMMENDING THE MONTGOMERY POLICE DEPARTMENT.

Also:

H. J. R. 249. Relative to legislative meeting dates from Thursday, March 25, 1982 through Tuesday, March 30, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 611. Relating only to Talladega County, further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 218. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-third legislative day of the 1982 Regular Session:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 485	88	Legislature, add'l approp.
S. B. 297	36	Handgun ammunition, teflon coating, proh.
S. B. 477	89	Al. Housing Finance Auth., suppl., auth.
S. B. 45	50	ERS, re-open for 60 yrs or older
S. B. 410	72	ERS, state to pick-up certain mem. contri.
S. B. 386	60	Susie P. Stringfellow Mem. Hosp., exempt.
S. B. 195	57	Schools, support pers., fair dis.

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S. B. 339	25	Phys. controlled sub. appeals to circ. court
S. B. 254	26	Alabama Dental Serv. Corp. Act
S. B. 292	34	Criminal work release program, failure to ret.
S. B. 26	8	State textbook committee, est.
S. B. 422	78	Probate judges, comp.
S. B. 387	70	County Commissioners, salary
S. B. 109	42	Fee system abol., tax coll., etc.
S. B. 420	76	Motor Vehicles, 'DWT', pen. increased
S. B. 300	64	Alabama Supreme Court, add'l. staff, approp.
S. B. 218	9	Employees, out-of-state travel, agri. & indus.
S. B. 144	51	Emp. longevity pay after 5 yr., approp.
S. B. 479	86	Solid Waste Auth., resource rec.
S. B. 455	94	Board of Corr., cond. approp.
S. B. 200	40	Swine disease, approp.
S. B. 492	84	Veteran's state employment
S. B. 110	42	Fee system abolished c/a
S. B. 34	6	Welcome centers, bids on food concessions
S. B. 344	58	Drivers License, persons ineligible
S. B. 66	9	Driver education, eliminated to grad.
S. B. 317	71	Elections, voter reg. file maint. sys.
S. B. 428	70	Motor Vehicles, oversized loads moved
S. B. 280	30	Egg producers, assessment of monies, ref.
S. B. 281	31	Poultry & eggs, promotion of
S. B. 282	31	Poultry & eggs, promotion of c/a
S. B. 393	76	Garnishment, conform with federal law
S. B. 418	74	Interior Design, regulations
S. B. 433	84	Alcoholic Bev., manufactors & importors,
S. B. 415	74	Alabama Hospital Care Serv. Price Dis.
S. B. 244	40	TRS, Alabama Vocational Assoc. may join
S. B. 296	46	Polygraph examiners, regu.
S. B. 173	33	County bd. of education, voters to elect.
S. B. 106	23	Insurance, lic. fees. alt.

S. B. 394	55	Public contracts, manner of awarding alt.
S. B. 211	24	Bank investigators, appt. of
S. B. 380	69	Liens for work performed, expanded
S. B. 416	87	Governor, Sec. of St., St. Auditor, salary
S. B. 333	68	Trusts, support of relatives, created
S. B. 164	65	Motor veh., length exemptions

Mr. Kirkland offered the following substitute for the Resolution, S. R. 218, to-wit:

SUBSTITUTE FOR S. R. 218

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business, taking precedence over all other bills on third reading for the 23rd Legislative Day of the 1982 Regular Session:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 485		Legs. Appro.
S. B. 21	36	Public officers, vacate office upon conviction
S. B. 146	35	Criminals, Joinder of offenses and defendants, provided
S. B. 147	12	Search Warrants, night-time
S. B. 148	19	Weapons, firing in buildings, prohibited
S. B. 149	18	Criminal Prosecution, venue, ethics violation
S. B. 150	15	Pardons and Paroles Board, Notice of hearing
S. B. 151	12	Criminal Cases, appeal from pre-trial order
S. B. 152	13	Bail, Limited upon appeal
S. B. 153	14	Sentencing, Increase minimum term
S. B. 154	19	Public contracts, bid-rigging prohibited
S. B. 155	23	Mutual HHH Hospitals, disposition at, Authority
S. B. 156	15	Habitual Offenders, Life without parole
S. B. 157	20	Guns, convicted felons, prohibited from owning
S. B. 159	18	Commercial Bribery, crime made a felony
S. B. 160	16	Youthful offenders, victims rights to be at hearing
S. B. 161	13	Trials, defendant, criminal prosecution for perjury
S. B. 194	22	Juvenile proceedings, age of minors, altered
S. B. 239	17	Courts, competency hearings
S. B. 240	17	State Mental Hospitals, Individual evaluation

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S. B. 241	16	Youthful Offender Status, crimes not eligible
S. B. 285	22	Insanity Plea, verdict clarified
S. B. 319	21	Criminals, Insanity hearings
S. B. 321	20	Drugs, defines and sets punishment

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 611. Relating only to Talladega County, further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 219. COMMENDING PRESIDENT LINDA HOOD OF THE UNITED STATES JAYCEETTES.

Which was adopted.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 220. MOURNING THE DEATH OF MR. JAMES LEVI LAW-
SON.

Which was adopted.

MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 418, on page 74 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 418, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. R. 218

The Senate proceeded to further consideration of the Resolution, S. R. 218. The question was on the substitute offered by Mr. Kirkland.

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 20; Nays 7.

Yeas:

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	Martin	St. John
Britnell	Hilliard	McDonald	Smith
Denton	Holmes	Miller	Taylor
Figures	Keener	Mitchem	Teague
Gulledge			

—20

Nays:

Messrs.:	deGraffenried	Kirkland	Proctor
Callahan	Hall	Parsons	White

—7

RESOLUTIONS

Messrs. Kirkland and Figures offered the following Senate Resolution, to-wit:

S. R. 221. COMMENDING MRS. MARVA NETTLES COLLINS, NATIONALLY ACCLAIMED EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

Which was adopted.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 222. COMMENDING MR. WOODROW McCORVEY, PRINCIPAL OF ESCAMBIA COUNTY MIDDLE SCHOOL.

Which was adopted.

FURTHER CONSIDERATION OF S. R. 218

The Senate proceeded to further consideration of the Resolution, S. R. 218.

Mr. White offered the following substitute for the Resolution, S. R. 218, to-wit:

SUBSTITUTE FOR S. R. 218

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other bills on third reading for the Twenty-third Legislative Day of the 1982 Regular Session:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 21	36	Public officers, vacate office upon conviction
S. B. 146	35	Criminals, Joinder of offenses and defendants, provided
S. B. 485		
S. B. 147	12	Search Warrants, night-time

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S. B. 148	19	Weapons, firing in buildings, prohibited
S. B. 150	15	Pardons and Paroles Board, Notice of hearing
S. B. 151	12	Criminal Cases, appeal from pre-trial order
S. B. 152	13	Bail, Limited upon appeal
S. B. 153	14	Sentencing, Increase minimum term
S. B. 154	19	Public contracts, bid-rigging prohibited
S. B. 155	23	Mutual HHH Hospitals, disposition at, Authority
S. B. 156	15	Habitual Offenders, Life without parole
S. B. 157	20	Guns, convicted felons, prohibited from owning
S. B. 159	18	Commercial Bribery, crime made a felony
S. B. 160	16	Youthful offenders, victims rights to be at hearing
S. B. 161	13	Trials, defendant, criminal prosecution for perjury
S. B. 194	22	Juvenile proceedings, age of minors, altered
S. B. 239	17	Courts, competency hearings
S. B. 240	17	State Mental Hospitals, Individual evaluation
S. B. 241	16	Youthful Offender Status, crimes not eligible
S. B. 285	22	Insanity Plea, verdict clarified
S. B. 319	21	Criminals, Insanity hearings
S. B. 321	20	Drugs, defines and sets punishment

On motion of Mr. McDonald, said substitute was laid on the table.

Mr. White then offered the following substitute for the Resolution, S. R. 218, to-wit:

SUBSTITUTE FOR S. R. 218

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-third legislative day of the 1982 Regular Session:

BILL NO. PAGE NO. DESCRIPTION

S. B. 485	88	Legislature, add'l approp.
S. B. 297	36	Handgun ammunition, teflon coating, proh.
S. B. 477	89	Al. Housing Finance Auth.. suppl., auth.

S. B. 45	50	ERS, re-open for 60 yrs or older
S. B. 410	72	ERS, state to pick-up certain mem. contri.
S. B. 386	60	Susie P. Stringfellow Mem. Hosp., exempt.
S. B. 194	22	Juv. proceedings
S. B. 339	25	Phys. controlled sub. appeals to circ. court
S. B. 254	26	Alabama Dental Serv. Corp. Act
S. B. 292	34	Criminal work release program, failure to ret.
S. B. 26	8	State textbook committee, est.
S. B. 422	78	Probate judges, comp.
S. B. 387	70	County Commissioners, salary
S. B. 109	42	Fee system abol., tax coll., etc.
S. B. 420	76	Motor Vehicles, 'DWT', pen. increased
S. B. 300	64	Alabama Supreme Court, add'l. staff, approp.
S. B. 218	9	Employees, out-of-state travel, agri. & indus.
S. B. 144	51	Emp. longevity pay after 5 yr., approp.
S. B. 479	86	Solid Waste Auth., resource rec.
S. B. 455	94	Board of Corr., cond. approp.
S. B. 200	40	Swine disease, approp.
S. B. 492	84	Veteran's state employment
S. B. 110	42	Fee system abolished c/a
S. B. 34	6	Welcome centers, bids on food concessions
S. B. 344	58	Drivers License, persons ineligible
S. B. 66	9	Driver education, eliminated to grad.
S. B. 317	71	Elections, voter reg. file maint. sys.
S. B. 428	70	Motor Vehicles, oversized loads moved
S. B. 280	30	Egg producers, assessment of monies, ref.
S. B. 281	31	Poultry & eggs, promotion of
S. B. 282	31	Poultry & eggs, promotion of c/a
S. B. 393	76	Garnishment, conform with federal law
S. B. 418	74	Interior Design, regulations
S. B. 433	84	Alcoholic Bev., manufactors & importors,

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S. B. 415	74	Alabama Hospital Care Serv. Price Dis.
S. B. 244	40	TRS, Alabama Vocational Assoc. may join
S. B. 296	46	Polygraph examiners, regu.
S. B. 173	33	County bd. of education, voters to elect.
S. B. 106	23	Insurance, lic. fees. alt.
S. B. 394	55	Public contracts, manner of awarding alt.
S. B. 211	24	Bank investigators, appt. of
S. B. 380	69	Liens for work performed, expanded
S. B. 416	87	Governor, Sec. of St., St. Auditor, salary
S. B. 333	68	Trusts, support of relatives, created
S. B. 164	65	Motor veh., length exemptions
S. B. 195	57	School support personnel

On motion of Mr. McDonald, said substitute was laid on the table.

And on motion of Mr. McDonald, said Resolution, S. R. 218, was then adopted by the Senate.

MOTION TO ADJOURN LOST

At 3:25 P.M., Mr. Proctor moved that the Senate adjourn until Tuesday, April 6, 1982, at 2 o'clock P.M., which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	Miller	Taylor
Britnell	Hilliard	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J) and Riddick (with notice and proof):

H. 601. Relating to Madison County; prescribing certain bond requirements for bondsmen and the criteria for determining such requirements.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 601, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 617. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sandusky and Zoghby (with notice and proof):

H. 627. To amend an act of the General Assembly of Alabama approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved August 19, 1969, by amending Section 5 thereof by striking out the phrase "and be sued"; therefore allowing the Board of School Commissioners not to consent to being sued.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 627, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 601, 617, and 627. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 278. To the Committee on Governmental Affairs.

BILLS ON THIRD READING RESUMED

The Bill:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Robertson
Bailey	Holmes	Miller	St. John
Britnell	Keener	Mitchem	Smith
Callahan	Kirkland	Parsons	Taylor
deGraffenried	Little	Proctor	Weeks
Denton	Martin		

—21

Nays:

—0

RESOLUTION

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 223. TO EXTEND THE LIFE OF THE JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life of the Joint Legislative Committee on Apportionment created by Act 80-771, S. J. R. 239, 1980 Regular Session, as amended by Act 81-671, H. J. R. 365, 1981 Regular Session, and Act 81-1068, H. J. R. 58, 1981 Second Special Session, with all powers and duties conferred thereby, is hereby extended to November 30, 1982.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Owens:

H. J. R. 283. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 1, 1982, we adjourn to meet again on Tuesday, April 6, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 283, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 380, on page 69 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 380, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 89. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the

municipality upon application for such membership within thirty (30) days of appointment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hilliard, the Senate non-concurred in the following House amendment to the Bill, S. B. 89, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 89

Amend S. B. 89 on page 1, in the Title, line 5, by striking after the word "for" the word "six" and inserting in lieu therefor the word "five";

Also amend S. 89 on page 1, Section 1, second paragraph, strike the word "six (6)" and insert in lieu therefore the word "five (5)";

Also amend S. 89 on page 1, Section 1, second paragraph, by striking the figure \$27,000.00, and inserting in lieu therefor the following: \$24,500.00.

Insert a new Section 2 and renumber subsequent sections:

"Section 2. No person employed in one of these positions shall run for elected office."

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Hall	McDonald		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Hilliard, Pearson, and Parsons.

BILLS ON THIRD READING RESUMED

The Bill:

S. 374. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of

office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 374, to-wit:

COMMITTEE AMENDMENT TO S. B. 374

Amend Senate Bill 374, page 2, lines 28 and 29 by deleting the words "four for three-year terms"

Which was adopted.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Kirkland	Miller	Smith	
Britnell	Little	Mitchem	Taylor	
Holmes	Martin	St. John	White	
Keener				—12

Nays:

—0

Mr. Smith requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 374, as amended, to-wit:

AMENDMENT TO S. B. 374, AS AMENDED

In the title on page 1, on line 37, after the word "Alabama," insert:
to provide for auditing;

In Section 4, on page 3, after line 7, insert the following:

Said authority shall be subject to audits by the Department of Examiners of Public Accounts. Said audits shall be similar to the type performed on similar agencies.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Keener	Miller	Smith	
Bailey	Kirkland	Parsons	Taylor	
Britnell	Lemaster	Proctor	Weeks	
Gulledge	Little	Robertson	White	
Holmes	Martin	St. John		—18

Nays:

—0

And said Bill, S. B. 374, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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1109

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster		

--25

Nays: —0

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 374, as amended, was passed, and further moved that the motion to reconsider be postponed temporarily.

Mr. Little moved that the above motion be laid on the table, which motion was lost.

The question was then on the motion of Mr. White, which was adopted, and the Senate temporarily postponed his motion to reconsider the Bill, S. B. 374.

Yeas 15; Nays 11.

Yeas:

Messrs.:	deGraffenried	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Mitchem	Weeks
Cook	Keener	Parsons	White

—15

Nays:

Messrs.:	Harrison	Martin	St. John
Denton	Holmes	McDonald	Smith
Hall	Little	Miller	Taylor

—11

Mr. Callahan requested and received permission to suspend the Rules in order to bring up the Bill:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of probate judges so as to provide that the probate judge in each county in which such probate judge is paid a salary in lieu of fees, shall receive from that county a total annual compensation equal to ninety percent (90%) of the total annual compensation paid by the state and county to the presiding circuit judge in the judicial circuit serving such county; to delete certain minimum pay provisions; and to provide that the provisions of this section shall not affect the compensation of probate judges of counties where said judges receive a total compensation in excess of the amounts provided under subsection (a) of this section.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 422, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 442

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-13-20, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 12-13-20. (a) No probate judge who is on a salary and who serves as chairman of the county commission shall receive total compensation less than \$25,000 \$30,000 per year for serving as chairman and probate judge. This section in no way affects probate judges earning more than \$25,000 \$30,000 per year.

(b) No probate judge who is on a salary and who does not serve as chairman of the county commission shall receive total compensation less than \$22,500 \$27,500 per year. This section in no way affects those probate judges earning more than \$22,500 \$27,500 per year.

(c) Any necessary funds needed to ensure a probate judge shall receive a total compensation of \$25,000 \$30,000 per year or \$22,500 \$27,500 per year as the case may be, shall be paid out of the respective county's general fund.

(d) The provisions of this section shall not affect the compensation of probate judges of counties where said judges are compensated on the basis of the fee system."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Notasulga, in Macon and Lee Counties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 557, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Riddick:

H. 633. To provide for the transfer of the property of the Huntsville State Docks to the Huntsville-Madison County Marina and Port Authority.

Also:

By Rep. Moore (with notice and proof):

H. 638. Relating to Shelby County; providing for a salary adjustment for the sheriff of Shelby County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 638, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial:

H. 616. Proposing an amendment to the Constitution of Alabama authorizing the legislature, by resolution, to designate a suitable place for the meeting and transacting of business of the legislature in the event it becomes necessary or desirable to repair, renovate, restore, construct or reconstruct the Capitol.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 557 and 638. To the Committee on Local Legislation No. 1.

H. B.'s 633 and 616. To the Committee on Governmental Affairs.

(The above numbered Bill, H. B. 616 was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Langford (with notice and proof):

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the

subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 688, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Langford:

H. 689. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 688 and 689. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 689, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and Harper (T):

H. J. R. 282. URGING THE HONORABLE FOB JAMES AND COMMISSIONER JOHN McMILLAN TO CANCEL IMPLEMENTATION OF CERTAIN OPPRESSIVE RULES AND REGULATIONS RELATING TO FINFISH FISHING AND TO ALLOW INPUT BY CITIZENS AFFECTED.

WHEREAS, the Alabama Legislature takes note that the Department of Conservation and Natural Resources has had under consideration for some time rules and regulations which would be seriously detrimental to a large segment of our citizens in Mobile and Baldwin Counties; and

WHEREAS, these rules and regulations are oppressive and deny to these citizens reasonable access to the property and waters of the state taxpayers in which setting seining, towing or possession and other uses of any type of gill and trammel nets for private citizens, commercial and hook and line fishermen, in some instances, in fishing for finfish are prohibited in various waters of our state from April 1 to and including Labor Day, from December 1 to April 1, and in some areas the entire year; and

WHEREAS, a member of the Alabama Legislature was denied a requested copy of these proposed rules and regulations on March 31, 1982, although it was widely reported in the printed and electronic media, and in the Mobile Press Register, even as late as March 24, 1982, that these oppressive rules and regulations would be imposed April 1, 1982; and

WHEREAS, many citizens would be unreasonably and greatly damaged and deprived by the reported rules and regulations, and no opportunity has been afforded them of adequate notice or any testimony or input into their development; and

WHEREAS, the Alabama Legislature notes that the interests of all would best be served if implementation of these proposed rules and regulations—if not available even to a member of this body on the day prior to reported implementation—is postponed for reconsideration and input from those who would be so seriously damaged or deprived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are greatly distressed that one of our members, whose constituents are affected, cannot get a copy of proposed rules and regulations which would greatly damage or deprive them to reasonable access in finfish fishing and that adequate notice of implementation was not given.

BE IT FURTHER RESOLVED, That The Honorable Fob James and Commissioner John McMillan are hereby urged to cancel any implementation of the reported proposed rules and regulations, causing severe restraint almost to the point of denial of these citizens' reasonable access to finfish fishing, until they are given ample opportunity for input in the development of reasonable and fair rules and regulations and sufficient notice therefor.

RESOLVED FURTHER, that copies of this resolution be given by the Clerk of the House to The Honorable Fob James, Governor of the State of Alabama, and to The Honorable John McMillan, Commissioner of the Department of Conservation and Natural Resources.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 282, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 142. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO INITIATE LEGISLATION REQUIRING RECONFIRMATION BY THE U. S. SENATE OF ALL FEDERAL JUDGES EVERY SIX YEARS.

WHEREAS, the appointment of federal judges for lifetime tenures has no safeguards to ensure that only responsible and qualified individuals will continue to hold such high federal office; and

WHEREAS, once in office, a federal judge is no longer answerable to the people, a circumstance made possible by his life tenure on the Bench; and

WHEREAS, the federal judiciary is the only high public office in our nation so protected regardless of an individual's ability or degree of competence to serve; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the Alabama Congressional Delegation to initiate legislation in the United States Congress to require that all federal judges be subject to reconfirmation by the U. S. Senate every six years.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform, by copy of this resolution, each of our state's Representatives and Senators in Washington of this request of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 142, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Mitchell:

H. J. R. 257. COMMENDING GEORGE HATAWAY, JR., TUSCALOOSA, ALABAMA, ON HIS RETIREMENT.

Also:

By Rep. Adams (H):

H. J. R. 261. CONGRATULATING MRS. ESTELLE SCROGGIN SMITH OF CHEROKEE COUNTY, ALABAMA, ON HER 90TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 257 and 261, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Holley, Moore, Waggoner and Amari:

H. J. R. 272. COMMENDING DR. LEON DAVIS, OF MONTEVALLO, ALABAMA, ON BECOMING PRESIDENT OF THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.

Also:

By Rep. Minus:

H. J. R. 273. COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AIAAW SOUTHERN DIVISION CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 272 and 273, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Boles, Penry, Williams, Mitchell, Bennett, Lewis, Trammell, Zoghby, Stewart, Hammett, Ward, Johnson (Roy), Tucker, Buskey, Riddick, Cheatwood, Horn, Olive, Escott, Howard, Waggoner, Smith (M), Turner, Smith (J) and Albright:

H. J. R. 278. URGING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION TO REVIEW AND RESTRUCTURE ITS RULES AND REGULATIONS GOVERNING STUDENT ATHLETES WITHIN THE ASSOCIATION'S PURVIEW.

WHEREAS, as presently written and enforced, eligibility rules of the Alabama High School Athletic Association prohibit athletes from participating in events outside normal AHSAA sanction, with the result that numerous high school athletes are ruled ineligible for tournament play for infractions as minor as having competed as individuals in outside events; and

WHEREAS, under such absurd regulations, ill adapted to present day use, our state's young athletes are severely hampered, even denied pursuit of collegiate and professional careers through drastically restricted experience in playing the best competition available; and

WHEREAS, on occasion when a player is disqualified from state competition, not only the individual in question, but the entire school team as well, suffers from punitive rules which must be either eliminated or tempered if we are to encourage a love of sports and to strengthen interscholastic athletics in Alabama; and

WHEREAS, other unfair and inequitable regulations also exist with regard to female athletics, a program which apparently, from AHSAA's attitude, is to be treated with second class priority; and

WHEREAS, the association, for example, has dictated shorter seasons for some girls' sports and further does not provide at all for girls' softball state championships as it does, of course, for boys' baseball; our girls, however, are not allowed to either participate or practice with a park team until their non-existent "high school season" is over; and

WHEREAS, Alabama's independent schools are another target for unfair treatment by AHSAA under the organization's "resident" and "transfer" rules which blatantly favor our public schools over private and parochial institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Alabama High School Athletic Association to immediately initiate a review of its rules and regulations so as (a) to remove restrictions which bar, for an entire sports season, an individual's participation in outside events; and (b) to end discriminatory practices with regard to girls' athletics and independent schools.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the president and other officers of AHSAA, to the members of the Central Board of Control and to the association's Legislative Council that they may be aware of the Legislature's opposition to current punitive and inequitable practices.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 278, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Willis, Blake, Crow, Campbell and Biddle:

H. J. R. 277. COMMENDING THE JACKSONVILLE STATE UNIVERSITY MARCHING BAND.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 277, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 422

The Senate proceeded to further consideration of the Bill, S. B. 422. The question was on the Committee substitute.

Mr. Proctor moved that further consideration of the Bill, S. B. 422, and pending substitute, be postponed until the Twenty-Seventh Legislative Day, which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 279. DIRECTING THE ADMINISTRATION IN EACH PUBLIC INSTITUTION OF HIGHER EDUCATION, INCLUDING ALL TWO-YEAR AND FOUR-YEAR PUBLIC INSTITUTIONS, TECHNICAL AND VOCATIONAL SCHOOLS, TO REQUIRE CERTAIN MINIMUM COMMUNICATION SKILLS AND EXAMINATION THEREOF FOR ALL ALIEN INSTRUCTORS AND PROFESSORS.

WHEREAS, the Alabama Legislature notes and has received many complaints from parents and students at many of our public institutions of higher learning, from throughout the state, that lack of adequate verbalization and communication skill by many alien instructors and professors make comprehension and learning impossible; and

WHEREAS, many of these alien professors and instructors have never received any formal education in written and oral English; and

WHEREAS, tuition and costs at the public institutions of higher learning are premium and the general economic conditions of even the average income family are serious, thus making education at such institutions impossible for many; and

WHEREAS, the Legislature feels that quality education is a necessary priority for all our students and that each is entitled to instructors and professors who can verbalize and communicate in the written and spoken English language; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do direct the administration in each public institution of higher education which is funded in whole or in part by state appropriations, including all two-year and four-year public institutions and technical and vocational schools, and the state department of education, to initiate certain minimum criteria and testing for any alien instructor or professor, who is hired subsequent to the passage of this resolution, in the written and spoken English language in order to ensure that such person is capable of teaching and imparting knowledge in the skill, field and major for which he is employed.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Governor Fob James, State Superintendent of Education, Dr. Wayne Teague, and to the appropriate administrative officer, or person, of each four-year or two-year institution of higher learning and public technical and vocational school forthwith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 279, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Moore, Smith (C) and Waggoner:

H. J. R. 280. MOURNING THE DEATH OF MR. L. C. KIRK PAYNE, FORMER MAYOR OF ALABASTER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 280, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 422

The Senate proceeded to further consideration of the Bill, S. B. 422. The question was on the Committee substitute.

On motion of Mr. McDonald, further consideration of the Bill, S. B. 422 and pending substitute, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

was taken up.

Mr. Martin requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 29, to-wit:

AMENDMENT TO S. B. 29

Amend Senate Bill 29, Section 1, page 3, line 25, by adding the following:

"(d) the provisions of this Act shall not apply to utility structures or markers, the placement of which are authorized by the highway department for technical, servicing, or safety purposes."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John
Bailey	Hall	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Cook	Kirkland	Proctor	Weeks
deGraffenried	Martin	Robertson	White
Goodwin			—20

Nays: —0

FURTHER CONSIDERATION OF S. B. 374

The Senate proceeded to further consideration of the Bill, S. B. 374. The question was on the motion of Mr. White that the Senate reconsider the vote by which the Bill was passed.

And said motion to reconsider was then lost.

RECESS

At 4:55 P.M., Mr. Goodwin moved that the Senate take a recess in order that the Standing Committee on Finance and Taxation might meet.

Mr. McDonald offered a substitute motion that the Senate take a recess for the above purpose and, upon completion of the report from the Standing Committee on Finance and Taxation, adjourn until Tuesday, April 6, 1982, at 12 o'clock Noon, which motion was lost.

Mr. McDonald then offered a substitute motion that the Senate take a recess for the above purpose and, upon completion of the Committee report, adjourn until Tuesday, April 6, 1982, at 1 o'clock P.M., which motion was adopted, and, at 5 o'clock, the Senate did take a recess.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES RESUMED

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Manley, McCorquodale, Williams, Owens, Dial, Warren, Wyatt, Harper (O), Daniels, Edwards, Rains, Cates, Clark (G), Hall, Cosby, Whatley, Smith (J), Willis, Sasser, Grouby, Cheatwood, Pegues, Letson, Carter, Holley, Laird and Ray:

H. 161. To amend section 4 of Act No. 135 enacted 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and

reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

ADJOURNMENT

At 6:30 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, S. B. 29, the Senate adjourned until Tuesday, April 6, 1982, at 1 o'clock P.M.

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, APRIL 6, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Doctor Wayne Fields, Pastor, First Baptist Church, Grand Bay, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

—33

JOURNAL

On motion of Mr. Denton, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Denton, leave of absence was granted Mr. Glass for today.

REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Mitchem:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the State for other such employees in the public schools of Alabama.

By Mr. Goodwin:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 224. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

BILL NO.	PAGE NO.	DESCRIPTION
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H. B. 161	124	Current Use Bill
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Mr. Keener offered the following substitute for the Resolution, S. R. 224, to-wit:

SUBSTITUTE FOR S. R. 224

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

BILL NO.	PAGE NO.	DESCRIPTION
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S. B. 485		
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S. B. 146		Criminals—Jailer
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S. B. 147		Search Warrants
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S. B. 148		Weapons—Firing in Public
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S. B. 149		Criminal Prosecution
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S. B. 150		Parsons & Parole
-----------	--	------------------

S. B. 151		Criminal Cases Appeal
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On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 19; Nays 8.

Yeas:

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Gulledge	Lemaster	Proctor
Britnell	Harrison	Little	Smith
Callahan	Higginbotham	Martin	Taylor
Denton	Holmes	McDonald	Teague

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1123

Nays:

Messrs.:	Hall	Keener	Weeks
Cook	Hilliard	Pearson	White
deGraffenried			—8

Mr. Weeks offered the following substitute for the Resolution, S. R. 224, to-wit:

SUBSTITUTE FOR S. R. 224

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 101	1	Surplus Line Ins.
S. B. 100	3	Mutual Aid Assoc.
S. B. 9	5	Utility Trailers
S. B. 66	9	Driver Education
S. 177	11	Coon Hunting

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 16; Nays 8.

Yeas:

Messrs.:	Gulledge	Lemaster	Miller
Bailey	Harrison	Little	Mitchem
Britnell	Higginbotham	Martin	Taylor
Denton	Kirkland	McDonald	Teague
Goodwin			—16

Nays:

Messrs.:	Hilliard	Pearson	Weeks
Cook	Keener	Vacca	White
Hall			—8

Mr. White offered the following substitute for the Resolution, S. R. 224, to-wit:

SUBSTITUTE FOR S. R. 224

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters for 24th Legislative Day.

Roll Call for Introduction of Bills & Resolutions

Local Bills

CONSENT CALENDAR

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 161	124	Current Use Bill

S. B. 485

Legislative Appropriation

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 15; Nays 10.

Yeas:

Messrs.:	Gulledge	Kirkland	McDonald	
Bailey	Harrison	Lemaster	Miller	
Denton	Higginbotham	Little	Proctor	
Goodwin	Holmes	Martin	Teague	—15

Nays:

Messrs.:	Hall	Parsons	Weeks	
Cook	Hilliard	Pearson	White	
deGraffenried	Keener	Vacca		—10

Mr. White then offered the following substitute for the Resolution, S. R. 224, to-wit:

SUBSTITUTE FOR S. R. 224

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

Regular order of business as provided in Senate Rule 7 then—each day.

S. B. 485. Legislative Appropriation.

H. B. 161. 124 Current Use

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 17; Nays 9.

Yeas:

Messrs.:	Harrison	Little	Proctor	
Bailey	Higginbotham	Martin	St. John	
Denton	Holmes	McDonald	Taylor	
Goodwin	Kirkland	Miller	Teague	
Gulledge	Lemaster			—17

Nays:

Messrs.:	Hall	Pearson	Weeks	
Cook	Hilliard	Vacca	White	
deGraffenried	Keener			—9

MOTION TO ADJOURN

At 2:10 P.M., Mr. Teague moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, April 7, 1982, at 12:01 A.M., which motion was adopted.

FURTHER CONSIDERATION OF S. R. 224

The Senate proceeded to further consideration of the Resolution, S. R. 224.

Mr. Pearson offered the following substitute for the Resolution, S. R. 224, to-wit:

SUBSTITUTE FOR S. R. 224

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business immediately upon adoption taking precedence over all other matters until disposed of:

Bills as they appear on the Regular Calendar for April 6, 1982 entitled Senate Calendar No. 21.

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 17; Nays 8.

Yeas:

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	McDonald	St. John
Denton	Holmes	Miller	Taylor
Goodwin	Kirkland	Proctor	Teague
Gulledge	Lemaster		

—17

Nays:

Messrs.:	Keener	Pearson	Weeks
Cook	Martin	Vacca	White
Hall			

—8

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to

provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

POINT OF PERSONAL PRIVILEGE

Mr. Keener requested that the Journal record that the clock in the Senate Chamber showed 2:46 P.M.

FURTHER CONSIDERATION OF H. B. 161

The Senate proceeded to further consideration of the Bill, H. B. 161.

POINT OF PERSONAL PRIVILEGE

Mr. Keener requested that the Journal reflect that the clock in the Senate Chamber and his watch currently showed 3:05 P.M.

FURTHER CONSIDERATION OF H. B. 161

The Senate proceeded to further consideration of the Bill, H. B. 161.

POINT OF PERSONAL PRIVILEGE

Mr. White requested that the Journal reflect that his watch and the clock in the Senate Chamber both showed 3:29 P.M.

FURTHER CONSIDERATION OF H. B. 161

The Senate proceeded to further consideration of the Bill, H. B. 161.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to Alabama A and M University Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 6th day of April, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation the following:

Mr. Paul D. White, 1127 Greenspring Avenue, South, Birmingham, Alabama 35205. Term expires: January 31, 1988

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as a member of the Alabama A and M University Board of Trustees.

Respectfully,
FOB JAMES,
Governor.

Done this 6th day of April, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama A and M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 295. EXTENDING WARM BEST WISHES TO MR. McDOWELL LEE, SECRETARY OF THE ALABAMA SENATE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 295, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

At 4:30 P.M., Mr. White requested that the Journal record the time.

Mr. McDonald, who was then presiding, ruled that, since the Journal does not ordinarily contain such information, any Senator desiring the Journal to record such information should do so by motion, and Mr. White declined to make such motion.

FURTHER CONSIDERATION OF H. B. 161

The Senate proceeded to further consideration of the Bill, H. B. 161.

Mr. deGraffenried offered the following substitute for the Bill, H. B. 161, to-wit:

SUBSTITUTE FOR H. B. 161

A BILL
TO BE ENTITLED
AN ACT

To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of §40-7-25.1. Section 40-7-25.1, Code of Alabama 1975 [Section 4 of Act No. 135, 1978 Second Extraordinary Session (Acts of 1978, p. 1868)] is hereby amended as follows:

"Section 40-7-25.1. Current use value of Class III property-Definition; appraisal of property at request of owner; factors considered in appraisal; rules and regulations of Department of Revenue. For ad Valorem tax years beginning on and after October 1, 1978, with respect to taxable property defined in section 40-8-1, as amended, as Class III property and upon request by the owner of such property as hereinafter provided, the assessor shall base his appraisal of the value of such property on its current use on October 1 in any taxable year and not on its fair and reasonable market value. Failure of an owner of Class III property to request appraisal at current use value shall mean that the property shall be valued on its fair and reasonable market value as otherwise provided in this Title until such time as the owner thereof shall request valuation on the basis of current use value. As used in this chapter, "current use value" shall be deemed to be the value of eligible taxable property based on the use being made of that property on October 1 of any taxable year; provided, that no consideration shall be taken of the prospective value such property might have if it were put to some other possible use. It is not the intent of the Legislature to establish in this section

any presumption as to the fair and reasonable market value of any property, or any minimum such value. This section shall govern only determination of the current use value of eligible property with respect to which a timely request for appraisal at current use value shall have been made.

(a) In determining the current use value, on and after October 1, 1981, of eligible taxable property the owner of which shall elect current use valuation of such property hereunder, the assessor shall presume that there is no possibility of the property being used for any other purpose, as if there were a legal prohibition against its use for any other purpose. utilize the standard value method of current use valuation outlined herein. (No new application form need be filed under §40-7-25.2 in order for this method to be utilized with respect to property the owner of which, prior to October 1, 1981, shall have elected to have had assessed at the ratio of its assessed value to its current use value, and which property was in fact so assessed; however, the tax assessor of the county in which the property is located may request of the owner such additional information as may be required to compute current use value hereunder.) To utilize the standard value method of current use valuation, the tax assessor shall first determine the character of the property with respect to which current use valuation is elected as agricultural (which characterization shall cover all of the types of real property described in §40-8-1(b) (3) with the exception of real property used for the growing and sale of timber and forest products), forest (meaning real property used for the growing and sale of timber and forest products), residential (as defined in §40-8-1(b) (2)), or historic buildings and site (as defined in §40-8-1(b) (6)). With respect to Class III property consisting of parcels of five acres or less, the owners of which shall have elected current use valuation respecting those parcels, the tax assessor may require the submission of additional data as may be necessary to establish that the use being made of the parcels of property in question is agricultural, forest or residential or historic building and site, as the case may be; such data may include site management plans from the Alabama Forestry Commission, photographs and surveys, or verification of use from the county farm agent or the U. S. Soil Conservation Service.

With respect to agricultural and forest property, the tax assessor shall determine, utilizing the soil groups defined herein, the Productivity Rating or Ratings applicable to such property based on the following schedule:

Soil Group	Agricultural Productivity Rating	Forest Productivity Rating
1	Good	Good
2	Good	Good
3	Average	Average
4	Average	Average
5	Average	Average
6	Poor	Average
7	Non-Productive	Poor
8	Good	Good
9	Poor	Average

10

Non-Productive

Non-Productive

The Soil Groups of agricultural and forest property shall be determined using the following general definitions (to fall within a particular soil group and property need not exhibit all the general characteristics described herein for that group, but must generally be describable by a preponderance of those characteristics; the Department of Revenue prior to issuing any regulations further defining soil groups hereunder shall consult with the U. S. Soil Conservation Service and the Alabama Cooperative Extension Service):

Soil Group No. 1. Nearly level soils on uplands; mostly deep and well drained (0 to 2 percent slopes). Soils in this group have no limitations that significantly restrict their use for agriculture. They are well suited to a wide range of plants and may be used for cultivated crops, small grains, hay crops, pasture, or woodland. They have moderate to high available water capacity and are responsive to fertilization.

Soil Group No. 2. Nearly level soils on uplands; mostly deep, imperfectly drained (0 to 2 percent slopes). Soils in this group have a wetness limitation that restricts their use for agriculture. The choice of plants may be restricted on some soils but as a group they are suited for cultivated crops, small grains, hay crops, pasture, or woodland. The wetness limitation can be partially overcome by drainage. The soils have high available water capacity and are responsive to fertilization.

Soil Group No. 3. Nearly level soils on uplands; mostly deep, well drained with thick sandy surface layers (0 to 5 percent slopes). Soils in this group have a low available water capacity that restricts their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of soils and to maintain yields if used for cultivated crops. Most soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 4. Gently sloping to sloping soils on uplands (2 to 6 percent slopes). Soils in this group have moderate limitations that restrict their use for agriculture. The choice of plants may be restricted on some soils but as a group they are well suited for cultivated crops, small grains, hay crops, pasture, or woodland. Limitations can be overcome by conventional practices but the soils require careful management to prevent deterioration and maintain maximum crop yields. Limitations include one or more of the following: slopes of about 2 to 6 percent, a somewhat restricted rooting zone, very slow permeability of the subsoil, and low available water capacity. Most soils in this group are responsive to fertilization.

Soil Group No. 5. Sloping to strongly sloping soils on uplands (6 to 10 percent slopes). Soils in this group have severe limitations that restrict their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Limitations include one or more of the following: slopes of about 6 to 10 percent, very slow permeability of the subsoil, shallow rooting zone and, low available water capacity. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 6. Moderately steep soils on uplands (10 to 15 percent slopes). Soils in this group have very severe limitations that restrict their use for agriculture. The choice of plants is restricted and very careful management is required to prevent soil deterioration, protect crops and to maintain crop yields. Soils in this group are generally poorly suited for row crops and small grains. They are suited to pasture and woodland but steep slopes restrict their use for hay crops. Limitations include one or more of the following: slopes of about 10 to 15 percent, shallow rooting depth, low available water capacity and surface stoniness that interferes with tillage. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 7. Steep soils on uplands (15 + percent slopes). Soils in this group have very severe limitations that make them unsuited for cultivated crops, small grains, or hay crops. They are suited for pasture only to a limited extent and are used mainly for woodland. Limitations include one or more of the following: slopes greater than 15 percent, shallow rooting depth, low available water capacity, and surface stoniness that seriously interferes with or prohibits tillage.

Soil group No. 8. Bottomland soils that are well suited for cultivated crops, hay crops and pasture. Subject to occasional water overflow with only slight damage to crops. Soil wetness is normally correctable by surface drainage. Soils in this group are well suited for woodland.

Soil group No. 9. Bottomland soils subject to frequent overflow with severe crop damage. Excessive wetness that persists after drainage restricts the use of these soils to mainly pasture and woodland. Woodland growth potential is excellent but equipment limitations and seedling mortality limit intensive forest management.

Soil group No. 10. Soils in this group have such severe limitations that they are capable of only limited production of vegetative growth. It includes soils that are normally covered with water, soils that are saline, soils that are severely gullied, and have extensive rock outcrops.

(b) The tax assessor shall then use, on and after October 1, 1981, the following formulas and methods to determine the assessed value of each type of Class III property, with respect to which a current use valuation election has been made.

(1) Agricultural Property. The current use standard value for agricultural property in the State shall be determined in the following manner. The owner of agricultural property desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating that soil group or groups, as defined herein, applicable to the property in question. Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency. The Department of Revenue, utilizing statistics from the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service and the Alabama Agricultural Experiment Station, shall determine annually not later than November 15 (except that, for the tax year beginning October 1, 1981, the determination shall be made 30 days after the effective date of this Act), for use in assessing property for taxation as of the immediately preceding October 1, the current use standard value for agricultural property as follows:

(A) The State's top three crops in terms of acreage harvested (not including hay of all types) for the most recent calendar year for which statistics are available shall be determined;

(B) Total crop production in the State of the three crops shall be multiplied by the seasonal average price received for these crops in each of the ten most recent calendar years since 1973 for which statistics are available, and divided by the acreage harvested for each crop for each year, giving the gross return per year per crop (provided, that if corn is determined to be one of the three crops for which such calculation is made, the same formula shall be followed, but utilizing southeastern United States statistics in determining average yields per acre);

(C) From the gross return figures thus obtained, costs of production for each crop (determined for each crop using U. S. Department of Agriculture cost of production data [excluding land costs and general farm overhead costs] or such similar data as may be available to the Department) shall be subtracted, giving the net return to land per year per crop;

(D) The net return per year to land per crop shall be totalled, the total being weighted to give effect to the average number of acres of each crop being harvested in the State in the ten most recent calendar years since 1973 for which statistics are available, such total yielding income flow per acre; and

(E) Income flow per acre shall be capitalized by dividing it by the average of the annual effective interest rates on new federal land bank loans (determined in the same manner as the effective interest rates utilized under §2032A(e) (7) (A) (ii) of the Internal Revenue Code of 1954, as presently determined pursuant to Regulation Section 20.2032A-4(e) issued by the U. S. Department of the Treasury) charged by the New Orleans District Federal Land Bank for the ten most recent calendar years since 1973 for which figures are available as of October 1 of each year, such rate to be reduced by 3% for determinations made for each tax year to which the provisions of this act shall apply.

The figure obtained using this formula, increased by 80% with respect to property having productivity rating of Good, and by 50% with respect to property having a productivity rating of Average, decreased by 60% with respect to property having a productivity rating of Non-Productive, and unchanged with respect to property having a productivity rating of Poor, shall be the current use standard values per acre of property in agricultural use in the State with respect to which current use valuation is elected by the owner thereof; provided, however, that such current use standard values per acre as computed hereunder shall, for the first tax year for which values are computed pursuant to the standard value method provided herein, be computed without utilizing any statistics or interest rates available for the calendar year 1981, and all calculations hereunder for the tax year beginning October 1, 1981, shall be made as if such 1981 statistics and interest rates were not available; and provided further that for each tax year following the first tax year for which values are computed pursuant to the standard value method provided herein, with respect to property of each productivity rating, the current use standard values per acre shall be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder. Utilizing the Department's determination of standard values, the tax assessor shall enter the standard value or values per acre determined hereunder,

multiplied by the number of acres of agricultural property of each productivity rating included in the property with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determination provided for in this subparagraph (1), the statistics utilized by the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Department (including preliminary statistics) at the time such determinations are made as required herein; the determinations so made by the Department shall not be subject to change solely because such statistics are later revised, corrected or otherwise altered by the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service, the Alabama Agricultural Experiment Station, the U. S. Department of Agriculture or the New Orleans District Federal Land Bank.

(2) Forest Property. The current use standard value for forest property in the State shall be determined in the following manner. The owner of timberland desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the soil group or groups, as defined herein, applicable to the property in question. Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency. For each calendar year immediately preceding October 1 in each year the Alabama Forestry Commission shall determine the average pulpwood price per cord received by timber growers in the State by estimating the average pine pulpwood price per cord and the average hardwood pulpwood price per cord received in the State during such year and determining the weighted average of those two average prices, weighting those prices on the basis of the ratio that the approximate number of cords of each of those two types of pulpwood harvested in Alabama bears to the total cords of both of such types of pulpwood harvested in Alabama, and provide that information to the Department of Revenue. The Department of Revenue shall utilize timber yields of 1.8 cords per acre per year, 1.4 cords per acre per year, 1 cord per acre per year and .8 cords per acre per year for land having good, average, poor and non-productive productivity ratings respectively to establish annual yields per acre in cords and multiply the yield per acre of timber property of each rating by the average pulpwood price per cord as provided by the Alabama Forestry Commission. The products thus obtained, shall equal imputed timberland net income per acre for property of each productivity rating. The imputed net income per acre figures for property of each productivity rating shall then be divided by the average of the annual effective interest rates charged on new federal land bank loans (determined as in subsection (b) (1) (E) of this Section) by the New Orleans District Federal Land Bank for the ten most recent calendar years since 1973 for which figures are available as of October 1 of each tax year, such rate to be reduced by 3% for determinations made for each tax year to which the provisions of this act shall apply. The results thus obtained shall be the current use standard values per acre for property of each of the timber productivity ratings with respect to which current use valuation is elected by the owner thereof; provided, however, that for each tax year following the first tax year for which values are computed hereunder, with respect to property of each productivity rating, the current use value per acre shall be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder.

Utilizing the Department's determination of standard values, the tax assessor shall enter such standard values per acre, multiplied by the number of acres of forest property of each productivity rating with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determinations provided for in this subparagraph (2), the statistics utilized by the Alabama Forestry Commission and the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Commission and the Department (including preliminary statistics) at the time such determinations are made as required herein; the determinations so made by the Commission and the Department shall not be subject to change solely because such statistics are later revised, corrected or otherwise altered by the sources thereof, including the Commission and the New Orleans District Federal Land Bank.

(3) Residential Property and Historic Buildings and Sites. The current use standard values for individual parcels of residential property and historic buildings and sites in each county in the State shall be determined by each county tax assessor annually utilizing comparative fair and reasonable market values of comparable residential or historic building and site property located in the county, which property cannot ordinarily be used other than as residential property or as an historic building or site, the tax assessor to presume that there is no possibility of the property being used for any other purpose than as residential property or an historic building and site, as if there were a legal prohibition against its use for any other purpose. The Department of Revenue shall promulgate appropriate regulations and orders for use by tax assessors in determining such comparable values. The tax assessor shall enter the standard values so determined on his records concerning property with respect to which a current use valuation election is in effect and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property.

(c) Following notice to the owners of Class III property who shall request appraisal of such property at its current use value of the current use values thereof computed using the current use standard values provided for therein, those owners may, within thirty days after receipt of such notice, submit to the assessor a statement outlining any errors asserted by the owner to have been made in such appraisal. The assessor shall review such statement and determine whether the value contained in the appraisal as submitted satisfactorily represents the current use value of the property with respect to which it is submitted, and he shall promptly forward the statement to the county board of equalization with his written determination and recommendation with respect thereto, for use by the board in carrying out its duties under §40-3-16 and hearing any properly filed objection to the current use valuation of any parcel of property computed using the standard current use value formulas provided in this section. Such objections shall be filed and heard, and final determinations of the board respecting such objections and assessments based on current use value appealed from, in the same manner as that provided in §40-3-19 regarding assessments, and objections filed with respect thereto, based on fair and reasonable market value.

(d) Any provision of this chapter to the contrary notwithstanding, no person shall be entitled to have more than 2,500 acres of agricultural and forest property owned by him in this state valued pursuant to the current use standard value method described hereinabove. The current use value of

agricultural and forest property in excess of 2,500 acres owned by any person in this state shall be determined by the tax assessor considering In determining the current use value for real property classified as agricultural or forestry property the tax assessor shall consider farm income, soil productivity or fertility, topography, susceptibility to flooding, rental value, replaceability as agricultural property for the production of food and fiber and other factors which may serve to determine value for agricultural or timber production purposes, including any such factors that the Department of Revenue shall, by regulation specify. The Department of Revenue shall, prior to May 1, 1979, prescribe all needful rules and regulations for the enforcement and implementation of this section by the department and by the several county tax assessors and all other persons listed in subdivision (1) of Section 40-2-11 as being charged with the duty in the enforcement of tax laws."

Section 2. Conflicting laws. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 3. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

ADJOURNMENT

At 11:55 P.M., on motion of Mr. Teague, in accordance with Motion heretofore adopted and pending further consideration of the Bill, H. B. 161, the Senate adjourned until Wednesday, April 7, 1982, at 12:01 A.M.

